

WEDNESDAY, APRIL 1, 1998

EIGHTIETH LEGISLATIVE DAY

The House met at 2:00 p.m. and was called to order by Mr. Speaker Naifeh.

The proceedings were opened with prayer by David Phillips, Germantown Church of Christ, Germantown, Tennessee.

Representative Scroggs led the House in the Pledge of Allegiance to the Flag.

ROLL CALL

The roll call was taken with the following results:

Present 98

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 98.

EXCUSED

The Speaker announced that the following member(s) has/have been excused, pursuant to request(s) under **Rule No. 20**:

Representative Garrett; business reasons

SPONSORS ADDED

Under **Rule No. 43**, the following members were permitted to add their names as sponsors as indicated below, the prime sponsor of each having agreed to such addition:

House Resolution No. 185: Rep(s). Hassell, McDonald, Roach, Fraley, Ridgeway, Dunn, Garrett, Turner(Shelby), Buck, Head, Beavers, Tidwell, Haley, Sharp, Hicks, Eckles, Newton, Stamps, Davis, Fowlkes, White, Whitson and Hood as prime sponsor(s).

House Joint Resolution No. 646: Rep(s). Stamps as prime sponsor(s).

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House Bill No. 207: Rep(s). Pinion as prime sponsor(s).

House Bill No. 1664: Rep(s). Langster and Fitzhugh as prime sponsor(s).

House Bill No. 1780: Rep(s). Patton, Pinion, West, Cole(Carter), Kent, Bittle, Walker(Rhea), Turner(Hamilton), Odom, McDaniel, Boyer, Wood, Sharp, Stulce, McAfee, Armstrong and Winningham, McKee, Roach, Davis, Huskey, Curtiss, and Ford as prime sponsor(s).

House Bill No. 1873: Rep(s). Rinks as prime sponsor(s).

House Bill No. 2128: Rep(s). Buck as prime sponsor(s).

House Bill No. 2152: Rep(s). Bowers as prime sponsor(s).

House Bill No. 2166: Rep(s). Bowers as prime sponsor(s).

House Bill No. 2214: Rep(s). Bowers as prime sponsor(s).

House Bill No. 2262: Rep(s). Brooks as prime sponsor(s).

House Bill No. 2513: Rep(s). Buck as prime sponsor(s).

House Bill No. 2517: Rep(s). Hargett as prime sponsor(s).

House Bill No. 2560: Rep(s). Buck as prime sponsor(s).

House Bill No. 2571: Rep(s). Buck as prime sponsor(s).

House Bill No. 2583: Rep(s). Winningham and White as prime sponsor(s).

House Bill No. 2711: Rep(s). Fitzhugh as prime sponsor(s).

House Bill No. 2764: Rep(s). White and Sands as prime sponsor(s).

House Bill No. 2931: Rep(s). McDaniel, Jackson, Naifeh, Godsey and Hood as prime sponsor(s).

House Bill No. 2949: Rep(s). Walker(Rhea) as prime sponsor(s).

House Bill No. 2988: Rep(s). Kisber as prime sponsor(s).

House Bill No. 3056: Rep(s). Kisber as prime sponsor(s).

House Bill No. 3214: Rep(s). Lewis, Head and Kisber as prime sponsor(s).

House Bill No. 3236: Rep(s). L. DeBerry, Bowers, Turner(Hamilton), McAfee, Wood, Stulce, Sharp, Brown, Walker(Rhea), Boyer and Bone as prime sponsor(s).

House Bill No. 3340: Rep(s). McMillan as prime sponsor(s).

ENROLLED BILLS

March 31, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Joint Resolution(s) No(s). 579, 626 and 645; also, House Resolution(s) No(s). 181 and 182.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

March 31, 1998

The Speaker signed the following: House Joint Resolution(s) No(s). 579, 626 and 645; also, House Resolution(s) No(s). 181 and 182.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK

March 31, 1998

The following bill(s) was/were transmitted to the Governor for his action: House Bill(s) No(s). 2292, 2610, 2740, 2864, 2908, 3095 and 3248; also, House Joint Resolution(s) No(s). 574, 600, 601, 603, 604, 605, 606, 607, 608, 609, 610, 611, 613, 614, 615, 617, 618, 620, 622 and 623.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS

March 31, 1998

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2112, 2599, 2612, 2617, 2807, 2909, 3387, 3390, 3393, 3396 and 3398, also, House Joint Resolution(s) No(s). 515, 590, 630, 632, 633, 634, 635, 636, 637, 638, 639, 640 and 642.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE

March 31, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 645; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

March 31, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 3100; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Bill No. 3100 -- Education - Redesignates subjects to be covered by high school performance tests; requires passage of all required comprehensive assessment tests for graduation. Amends TCA Sections 49-1-608 and 49-6-6001(a)(1). by *Womack, *Atchley.

MESSAGE FROM THE SENATE

March 31, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 559 and 560; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 544 -- Memorials, Academic Achievement - Amanda Jean Albrecht, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 545 -- Memorials, Academic Achievement - Kirk Walker Graves, 1998 Valedictorian, Beech High School. by *Graves.

Senate Joint Resolution No. 546 -- Memorials, Academic Achievement - Kelly Nicole Conyer, Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 547 -- Memorials, Academic Achievement - Brandon Davis Williams, Salutatorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 548 -- Memorials, Academic Achievement - Neisha Michele Coleman, Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 549 -- Memorials, Academic Achievement - Matthew Chase Cox, 1998 Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 550 -- Memorials, Academic Achievement - James Brandon Owen, Salutatorian, East Robertson High School. by *Graves.

Senate Joint Resolution No. 551 -- Memorials, Academic Achievement - Bill Frey, Valedictorian, East Robertson High School. by *Graves.

Senate Joint Resolution No. 552 -- Memorials, Academic Achievement - Thea Lu, 1998 Valedictorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 553 -- Memorials, Academic Achievement - Edward Huang, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 554 -- Memorials, Academic Achievement - Melanie Kirkham, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 559 -- Memorials, Personal Occasion - JoAnne and John Deakins, 50th Wedding Anniversary. by *Crowe.

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Senate Joint Resolution No. 560 -- Memorials, Professional Achievement - Dr. Samuel H. Humphreys, President, Washington College Academy. by *Crowe, *Kyle.

MESSAGE FROM THE SENATE
March 31, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1283, 2053, 2163, 2250, 2430, 2431, 2432, 2437, 2796, 3061, 3116 and 3304; also, Senate Joint Resolution(s) No(s). 367, 409, 490, 522, 538, 542, 543, 555 and 557 for the signature of the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
March 31, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 579, 626 and 645; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

SIGNED
March 31, 1998

The Speaker signed the following: Senate Bill(s) No(s). 2057, 2209, 2396, 2419, 2523, 2912, 3069, 3091 and 3097; also, Senate Joint Resolution(s) No(s). 519, 520, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 539 and 558.

MESSAGE FROM THE SENATE
April 1, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2991; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 1, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2351; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 1, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2621; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 1, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 587; adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 587 -- Memorials, Death - Bella Abzug. by *Harper.

MESSAGE FROM THE SENATE
April 1, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Joint Resolution(s) No(s). 562, 563, 564, 566, 569, 570 and 579; all adopted for concurrence.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

Senate Joint Resolution No. 562 -- Memorials, Retirement - Dr. Robert J. Smallridge. by *McNally, *Williams.

Senate Joint Resolution No. 563 -- Memorials, Recognition and Thanks - Lions Club for contributions to Recording for the Blind and Dyslexic in Oak Ridge. by *McNally.

Senate Joint Resolution No. 564 -- Memorials, Recognition and Thanks - C.C. "Wilkie" Wilkerson, 25th Annual Frayser Judo Tournament. by *Person, *Kyle.

Senate Joint Resolution No. 566 -- Memorials, Professional Achievement - Kem Gardner Hinton. by *Womack, *Cooper, *Haynes, *Harper, *Henry.

Senate Joint Resolution No. 569 -- Memorials, Professional Achievement - Roger Brashears, Jr. by *Cooper.

Senate Joint Resolution No. 570 -- Memorials, Sports - 1997-1998 Dickson County High School girls' basketball team. by *Springer, *Kyle.

Senate Joint Resolution No. 579 -- Naming and Designating - "Appreciation Week for Graduate and Professional Students," April 5-11, 1998. by *Womack.

INTRODUCTION OF RESOLUTIONS

On motion, pursuant to **Rule No. 17**, the resolution(s) listed was/were introduced and referred to the appropriate Committee:

***House Resolution No. 186** -- Memorials, Congress - Urges Tennessee congressional delegation to support Tennessee Valley Authority's appropriated budget for fiscal year 1999 and beyond. by *Turner (Hamilton), *Naifeh, *Ritchie, *Tindell, *Armstrong.

Finance, Ways & Means Committee

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***House Joint Resolution No. 644** -- General Assembly, Statement of Intent or Position - Expresses intent of general assembly with respect to proceeds of state lottery. by *Williams (Williamson).

Finance, Ways & Means Committee

House Joint Resolution No. 651 -- Naming and Designating - "Minority Health Awareness Month," August 1998. by *Miller L, *Armstrong, *Jones U (Shelby), *Cooper B, *Towns, *Caldwell, *Eckles, *Ford S, *Ferguson, *Turner (Shelby), *Brown, *Turner (Hamilton), *Hargett, *Williams (Williamson), *Bird, *Patton, *Langster, *Bowers, *Arriola, *Windle, *Jones, S., *Cross, *Odum, *Brooks, *DeBerry J, *DeBerry L, *Pruitt, *Walley, *McDaniel.

Health & Human Resources Committee

House Joint Resolution No. 652 -- Naming and Designating - "Appreciation Week for Graduate and Professional Students," April 5-11, 1998. by *Davidson.

Calendar & Rules Committee

RESOLUTIONS

Pursuant to **Rule No. 17**, the following resolution(s) was/were introduced and placed on the Consent Calendar for April 6, 1998:

House Joint Resolution No. 653 -- Memorials, Retirement - Buford Gardiner. by *Fowlkes.

House Joint Resolution No. 654 -- Naming and Designating - "Mario Reed Day," April 18, 1998. by *Haley.

House Joint Resolution No. 655 -- Memorials, Heroism - Johnson County's Vietnam Veterans. by *Mumpower.

House Joint Resolution No. 656 -- Memorials, Sports - White County High School Boys Basketball Team, 1998 TSSAA Class AAA state champions. by *Curtiss, *Rhinehart.

House Joint Resolution No. 657 -- Memorials, Sports - 1997 Clarksville Academy football team, TSSAA Class 1-A state runner-up. by *Head, *McMillan.

House Joint Resolution No. 658 -- Memorials, Personal Occasion - Birth of Jessie Bryant Hart. by *Turner (Hamilton).

House Joint Resolution No. 659 -- Memorials, Sports - Rick Honeycutt, star pitcher. by *Turner (Hamilton), *McAfee, *Stulce, *Wood, *Sharp, *Brown.

House Joint Resolution No. 660 -- Memorials, Recognition and Thanks - Angela Hall. by *Halteman Harwell.

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House Joint Resolution No. 661 -- Memorials, Recognition and Thanks - Stan Metz. by *Kerr.

House Joint Resolution No. 662 -- Memorials, Recognition and Thanks - Michelle Ashcraft. by *Chumney.

House Joint Resolution No. 663 -- Memorials, Recognition and Thanks - Angel Clevenshire. by *Goins.

House Joint Resolution No. 664 -- Memorials, Recognition and Thanks - Victorian Aran Moore. by *Patton.

House Joint Resolution No. 665 -- Memorials, Recognition and Thanks - Shetika Hutcherson. by *Ridgeway, *Maddox.

House Joint Resolution No. 666 -- Memorials, Recognition and Thanks - Vitessa "Tessa" Forstner. by *Bone.

House Joint Resolution No. 667 -- Memorials, Recognition and Thanks - John Guinn. by *Scroggs.

House Joint Resolution No. 668 -- Memorials, Recognition and Thanks - Jennifer McKenzie Patterson. by *Fitzhugh, *Rinks.

House Joint Resolution No. 669 -- Memorials, Recognition and Thanks - Mary Curd. by *Williams (Williamson), *Jackson.

House Joint Resolution No. 670 -- Memorials, Recognition and Thanks - April Lynn Neelley. by *Turner (Hamilton).

House Joint Resolution No. 671 -- Memorials, Recognition and Thanks - Gina Thomas. by *Brown.

House Joint Resolution No. 672 -- Memorials, Public Service - Willie Robinson. by *Turner (Hamilton).

House Joint Resolution No. 675 -- Memorials, Recognition and Thanks - Houston High School Concert Choir. by *Scroggs.

**SENATE JOINT RESOLUTIONS
(Congratulatory and Memorializing)**

Pursuant to **Rule No. 17**, the resolution(s) listed was/were noted as being placed on the Consent Calendar for April 6, 1998:

Senate Joint Resolution No. 544 -- Memorials, Academic Achievement - Amanda Jean Albrecht, Salutatorian, Beech High School. by *Graves.

Senate Joint Resolution No. 545 -- Memorials, Academic Achievement - Kirk Walker Graves, 1998 Valedictorian, Beech High School. by *Graves.

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Senate Joint Resolution No. 546 -- Memorials, Academic Achievement - Kelly Nicole Conyer, Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 547 -- Memorials, Academic Achievement - Brandon Davis Williams, Salutatorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 548 -- Memorials, Academic Achievement - Neisha Michele Coleman, Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 549 -- Memorials, Academic Achievement - Matthew Chase Cox, 1998 Valedictorian, Westmoreland High School. by *Graves.

Senate Joint Resolution No. 550 -- Memorials, Academic Achievement - James Brandon Owen, Salutatorian, East Robertson High School. by *Graves.

Senate Joint Resolution No. 551 -- Memorials, Academic Achievement - Bill Frey, Valedictorian, East Robertson High School. by *Graves.

Senate Joint Resolution No. 552 -- Memorials, Academic Achievement - Thea Lu, 1998 Valedictorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 553 -- Memorials, Academic Achievement - Edward Huang, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 554 -- Memorials, Academic Achievement - Melanie Kirkham, Salutatorian, Hendersonville High School. by *Graves.

Senate Joint Resolution No. 559 -- Memorials, Personal Occasion - JoAnne and John Deakins, 50th Wedding Anniversary. by *Crowe.

Senate Joint Resolution No. 560 -- Memorials, Professional Achievement - Dr. Samuel H. Humphreys, President, Washington College Academy. by *Crowe, *Kyle.

Senate Joint Resolution No. 562 -- Memorials, Retirement - Dr. Robert J. Smallridge. by *McNally, *Williams.

Senate Joint Resolution No. 563 -- Memorials, Recognition and Thanks - Lions Club for contributions to Recording for the Blind and Dyslexic in Oak Ridge. by *McNally.

Senate Joint Resolution No. 564 -- Memorials, Recognition and Thanks - C.C. "Wilkie" Wilkerson, 25th Annual Frayser Judo Tournament. by *Person, *Kyle.

Senate Joint Resolution No. 566 -- Memorials, Professional Achievement - Kem Gardner Hinton. by *Womack, *Cooper, *Haynes, *Harper, *Henry.

Senate Joint Resolution No. 569 -- Memorials, Professional Achievement - Roger Brashears, Jr. by *Cooper.

Senate Joint Resolution No. 570 -- Memorials, Sports - 1997-1998 Dickson County High School girls' basketball team. by *Springer, *Kyle.

Senate Joint Resolution No. 587 -- Memorials, Death - Bella Abzug. by *Harper.

DELAYED BILLS REFERRED

Pursuant to **Rule No. 77**, having been prefiled for introduction, House Bill(s) No(s). 3412 and 3414 was/were referred to the Delayed Bills Committee.

House Bill No. 3412 -- Municipal Government - Authorizes Thompson's Station to install and maintain traffic control signal anywhere within corporate limits Amends TCA Section 6-2-201. by *Williams (Williamson), *Sargent.

***House Bill No. 3414** -- Constitutional Conventions - Calls constitutional convention relative to Article XI, Section 9, relative to consolidation of governmental or corporate function of any municipal corporation with any governmental or corporate function of such county. by *Kisber.

REPORT OF DELAYED BILLS COMMITTEE **April 1, 1998**

Pursuant to **Rule No. 77**, we the undersigned members of the Delayed Bills Committee have approved the following bill(s) to be introduced: House Bill(s) No(s). 3412.

Jimmy Naifeh, Speaker
Jere Hargrove
Steve McDaniel

INTRODUCTION OF BILLS

On motion, the following bills were introduced and passed first consideration:

House Bill No. 3412 -- Municipal Government - Authorizes Thompson's Station to install and maintain traffic control signal anywhere within corporate limits Amends TCA Section 6-2-201. by *Williams (Williamson), *Sargent.

House Bill No. 3413 -- Williamson County - Subject to local approval, revises bonding powers of Williamson County Hospital District. by *Williams (Williamson), *Sargent.

SENATE BILLS TRANSMITTED

On motion, the Senate Bills listed below, transmitted to the House, were held on the Clerk's desk pending third consideration of the companion House Bill as noted:

Senate Bill No. 3100 -- Education - Redesignates subjects to be covered by high school performance tests; requires passage of all required comprehensive assessment tests for graduation. Amends TCA Sections 49-1-608 and 49-6-6001(a)(1). by *Womack, *Atchley.

HOUSE BILLS ON SECOND CONSIDERATION

On motion, bills listed below passed second consideration and were referred by the Speaker to Committee or held on the Clerk's desk as noted:

***House Bill No. 3370** -- County Boundaries -- House Judiciary Committee

***House Bill No. 3373** -- Sexual Offenses -- House Judiciary Committee

***House Bill No. 3397** -- Insurance, Health, Accident -- House Commerce Committee

***House Bill No. 3411** -- Energy -- House State & Local Government Committee

House Bill No. 3407 -- Johnson County -- Local Bill Held on Clerk's Desk

House Bill No. 3408 -- Mountain City -- Local Bill Held on Clerk's Desk

House Bill No. 3409 -- Chester County -- Local Bill Held on Clerk's Desk

House Bill No. 3410 -- Rutherford County -- Local Bill Held on Clerk's Desk

RULES SUSPENDED

Rep. Hargrove moved to suspend **Rule 80 §1** to allow for the late creation of Calendars, which motion prevailed.

Rep. Hargrove moved that all bills scheduled to be heard on the House floor April 2, 1998, be placed on the Calendar for April 6, 1998, which motion prevailed.

REPORTS FROM STANDING COMMITTEES

The committees that met on **March 31, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 1, 1998**: House Bill(s) No(s). 1780, 2409, 2931, 2776, 2403, 2583, 716, 3236, 2214, 2517 and House Resolution(s) No(s). 150.

The Committee also set the following bill(s) on the **Regular Calendar** for **April 6, 1998**: Senate Bill(s) No(s). 1638.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 6, 1998**: House Bill(s) No(s). 2927, 3009, 2035 and House Joint Resolution(s) No(s). 468.

AGRICULTURE

The Agriculture Committee recommended for passage: House Resolution(s) No(s). 171 and House Joint Resolution No. 631, also House Bill(s) No(s). 232 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

COMMERCE

The Commerce Committee recommends for passage: House Bill(s) No(s). 1656, 2244, 3023 and 2749; also House Bill(s) No(s). 2855, 2628 and 2429 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1899; also House Bill(s) No(s). 3302 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

EDUCATION

The Education Committee recommended for passage: House Bill(s) No(s). 2082, 2605, 2632, 2750, 965 and House Joint Resolution(s) No(s). 567 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1320, 3287 and 2432 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

FINANCE, WAYS AND MEANS

The Finance, Ways and Means Committee recommended for passage: House Bill(s) No(s). 2130, 2464, 2466, 67, 2487, 2293 and 2626, also House Bill(s) No(s). 2380, 2414, 2821, 2907, 3135 and 2752 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

GOVERNMENT OPERATIONS

The Government Operations Committee recommended for passage: House Bill(s) No(s). 2361, 2177, 2178, 2179 and 2180. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 1585. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

HEALTH AND HUMAN RESOURCES

The Health and Human Resources Committee recommended for passage: House Bill(s) No(s). 2892, 3299 and House Resolution(s) No(s). 167, also House Bill(s) No(s). 2716, 1312 and 3269 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

STATE AND LOCAL GOVERNMENT

The State and Local Government Committee recommended for passage: House Bill(s) No(s). 2681, 3255, House Joint Resolution(s) No(s). 593 and 552, also House Bill(s) No(s). 2234, 2537, 86, 2092, 127, House Joint Resolution(s) No(s). 565 and 499 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

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It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 3259, 3247 and 3282; also House Bill(s) No(s). 3093 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

REPORTS FROM STANDING COMMITTEES

The committees that met on **April 1, 1998**, reported the following:

COMMITTEE ON CALENDAR AND RULES

The Calendar and Rules Committee met and set the following bill(s) on the **Regular Calendar** for **April 6, 1998**: House Bill(s) No(s). 2902, 3258, 2349, 2350, 2880, 2560, 2571, 2513, 2341 and 3100.

The Committee set the following bill(s) and/or resolution(s) on the **Consent Calendar** for **April 6, 1998**: House Bill(s) No(s). 2128.

CHILDREN & FAMILY AFFAIRS

The Committee on Children and Family Affairs recommended for passage: House Bill(s) No(s). 2528 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2497 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

CONSUMER AND EMPLOYEE AFFAIRS

The Consumer and Employee Affairs Committee recommended for passage: House Bill(s) No(s). 2397, also House Bill(s) No(s). 2803 and 2876 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

JUDICIARY

The Judiciary Committee recommended for passage: House Bill(s) No(s). 3188, 3144 and Senate Joint Resolution(s) No(s). 412, also House Bill(s) No(s). 2085, 2526, 2772 and 2405 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

It further recommended that the following be referred to the Finance, Ways and Means Committee: House Bill(s) No(s). 2040; also House Bill(s) No(s). 3242, 2942, 2343 and 1612 with amendments. Pursuant to **Rule No. 72**, each was referred to the Finance, Ways and Means Committee.

The Committee further reported that House Bill(s) No(s). 2461 was considered but failed to pass.

TRANSPORTATION

The Transportation Committee recommended for passage: House Joint Resolution(s) No(s). 578, also House Resolution(s) No(s). 177 and House Joint Resolution(s) No(s). 625 with amendments. Under the rules, each was transmitted to the Calendar and Rules Committee.

CAPTION BILLS REFERRED

Pursuant to **Rule No. 47**, the following Caption Bill(s), 69, 98, 1539, 2708, 3000, 3046 and 3347 held on the Clerk's desk were referred to the following Committee(s):

***House Bill No. 69** -- Public Records -- House Judiciary Committee

***House Bill No. 98** -- Bond Issues -- House Conservation & Environment Committee

***House Bill No. 1539** -- Alcoholic Offenses -- House State & Local Government Committee

House Bill No. 2708 -- Business Organizations -- House Judiciary Committee

House Bill No. 3000 -- Pharmacy -- House Commerce Committee

House Bill No. 3046 -- Taxes -- House Finance, Ways & Means Committee

***House Bill No. 3347** -- Penal and Reformatory Institutions -- House State & Local Government Committee

CONSENT CALENDAR

House Resolution No. 183 -- Memorials, Interns - Reese Eldon Stansberry, Jr. by *Ford S.

House Resolution No. 184 -- Memorials, Personal Achievement - Lauren Briggance Simpson, Girl Scout. by *Langster, *Naifeh, *Pruitt, *DeBerry L, *Jones, S., *West, *Garrett, *Jones U (Shelby), *Armstrong, *Hargrove.

House Resolution No. 185 -- Memorials, Retirement - Tom Benson. by *Robinson.

House Joint Resolution No. 643 -- Memorials, Personal Achievement - Drew Willis, Eagle Scout. by *Hargett.

House Joint Resolution No. 646 -- Memorials, Recognition and Thanks - Beech Cumberland Presbyterian Church, 200th anniversary. by *McDonald.

House Joint Resolution No. 647 -- Memorials, Sports - 1997-1998 Mt. Juliet Senior High School freshman girls' basketball team. by *Beavers, *Bone, *West.

House Joint Resolution No. 648 -- Memorials, Sports - 1997-1998 Mt. Juliet Senior High School freshman boys' basketball team. by *Beavers, *Bone, *West.

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House Joint Resolution No. 649 -- Memorials, Personal Occasion - Marie Scott, 100th Birthday, by *Turner (Shelby).

House Joint Resolution No. 650 -- Memorials, Public Service - Ethel Walker Davis, by *Langster, *Jackson, *Pruitt, *Jones, S., *West, *Garrett, *Jones U (Shelby), *Armstrong.

Rep. Langster moved that all members voting aye on House Resolution No. 184 be added as sponsors, which motion prevailed.

Pursuant to **Rule No. 50**, Rep. Phillips moved that all House Bills having companion Senate Bills and are on the Clerk's desk be conformed and substituted for the appropriate House Bill, all Senate and House Bills on the Consent Calendar be passed on third and final consideration, all House Resolutions and House Joint Resolutions be adopted, and all Senate Joint Resolutions on the Consent Calendar be concurred in, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to aye on the Consent Calendar and have this statement entered in the Journal: Rep(s). Williams.

REGULAR CALENDAR

***Senate Bill No. 342** -- Workers' Compensation - Makes removal of safety device or warning where person is injured or killed Class A misdemeanor. Amends TCA Title 39, Chapter 17, Part 1. by *Haynes. (HB1783 by *Odom)

Further consideration of Senate Bill No. 342 previously considered on May 22, 1997, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment(s) No(s). 1, 2 and 3. Senate Bill 342 was also considered on May 29, 1997 and February 2, 1998, and reset to today's Calendar.

Rep. Odom moved that Senate Bill No(s). 342 be reset for the Regular Calendar on April 8, 1998, which motion prevailed.

House Bill No. 2711 -- Education, Higher - Establishes Joe L. Evins Appalachian Center for Crafts as a free-standing unit and a separate budgetary entity of Tennessee Technological University. Amends TCA Title 49, Chapter 8. by *Hargrove. (*SB2788 by *Burks)

Rep. Hargrove moved that House Bill No. 2711 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2711 by deleting Section 4 of the printed bill and substituting the following:

SECTION 4. The initial state appropriation for the Joe L. Evins Appalachian Center for Crafts for the 1998-1999 fiscal year shall be subject to the general appropriations act.

On motion, Amendment No. 1 was adopted.

Rep. Hargrove moved that **House Bill No. 2711**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 1780 -- DUI/DWI Offenses - Authorizes judge to sentence first time DUI offenders to remove litter from highways for 48 hours in lieu of 48 hours of incarceration. Amends TCA Title 55, Chapter 10, Part 4. by *Buck, *Hargrove. (*SB1292 by *Burks, *Williams, *Rochelle, *Jordan, *Davis L, *Kurita, *Springer, *Crutchfield, *Ramsey, *Herron)

On motion, House Bill No. 1780 was made to conform with **Senate Bill No. 1292**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 1292 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 1292 by deleting from subsection () (C) of the amendatory language of SECTION 1 the language "words "I am a DRUNK DRIVER" stenciled" and substituting instead the language "words "I am a DRUNK DRIVER" or "DUI OFFENDER" stenciled".

On motion, Amendment No. 1 was adopted.

Rep. Curtiss moved the previous question, which motion failed by the following vote:

Ayes 52
Noes 31

Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Bowers, Boyer, Buck, Burchett, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, Davis, Eckles, Gunnels, Haley, Halteman-Harwell, Hargrove, Head, Hicks, Hood, Huskey, Jones S., Kent, Kerr, Kisber, McAfee, McDonald, McKee, Odom, Phelan, Pinion, Rhinehart, Rinks, Roach, Robinson, Sands, Sargent, Sharp, Stulce, Tindell, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, White, Williams, Windle, Winningham, Wood -- 52.

Representatives voting no were: Beavers, Bird, Brooks, Caldwell, Cross, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Godsey, Hargett, Hassell, Jones U., Kernell, Lewis, Maddox, Miller, Mumpower, Patton, Ridgeway, Ritchie, Scroggs, Stamps, Tidwell, Towns, Turner (Shelby), Westmoreland -- 31.

Rep. Hargrove moved that Senate Bill No. 1292 be passed on third and final consideration.

Rep. Rhinehart moved the previous question, which motion failed by the following vote:

Ayes 57
Noes 32
Present and not voting 2

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boyer, Buck, Cole (Carter), Cooper, Cross, Curtiss, Davidson, Davis, Eckles, Fowlkes, Givens, Godsey, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Head, Hicks, Hood, Huskey, Kent, Kerr, Langster, McAfee, McDaniel, McKee, Miller, Newton, Odom, Phelan, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Roach, Robinson, Sands, Sharp, Stulce, Tindell, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Whitson, Williams, Winningham, Wood -- 57.

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Representatives voting no were: Beavers, Bowers, Brooks, Burchett, Caldwell, Chumney, Dunn, Ferguson, Fitzhugh, Ford, Goins, Hassell, Jackson, Jones S., Jones U., Kernell, Lewis, Maddox, McDonald, McMillan, Mumpower, Patton, Ritchie, Sargent, Scroggs, Stamps, Tidwell, Towns, Turner (Shelby), Westmoreland, White, Windle -- 32.

Representatives present and not voting were: Cole (Dyer), Fraley -- 2.

Rep. Hargrove moved that Senate Bill No. 1292 be passed on third and final consideration.

Rep. McAfee moved the previous question, which motion prevailed by the following vote:

Ayes	72
Noes	19

Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, Eckles, Fitzhugh, Ford, Fowlkes, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kerr, Kisber, Maddox, McAfee, McDaniel, McDonald, McKee, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pruitt, Rhinehart, Rinks, Roach, Robinson, Sands, Sargent, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, White, Whitson, Windle, Winningham, Wood -- 72.

Representatives voting no were: Beavers, Bird, Brooks, Brown, Caldwell, Chumney, Dunn, Ferguson, Fraley, Kernell, Lewis, McMillan, Miller, Pleasant, Ritchie, Scroggs, Towns, Turner (Shelby), Westmoreland -- 19.

Rep. Hargrove moved that **Senate Bill No. 1292**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	61
Noes	37

Representatives voting aye were: Armstrong, Arriola, Bittle, Bone, Boner, Bowers, Boyer, Buck, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davis, DeBerry J., DeBerry L., Dunn, Fitzhugh, Ford, Fraley, Givens, Goins, Gunnels, Hargrove, Head, Hicks, Hood, Huskey, Jones S., Jones U., Kent, Kerr, Kisber, Langster, McAfee, McDaniel, McKee, Miller, Newton, Odom, Patton, Phelan, Pinion, Rhinehart, Rinks, Roach, Sands, Sharp, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, White, Whitson, Winningham, Wood, Mr. Speaker Naifeh -- 61.

Representatives voting no were: Beavers, Bird, Brooks, Brown, Burchett, Caldwell, Chumney, Davidson, Eckles, Ferguson, Fowlkes, Godsey, Haley, Halteman-Harwell, Hargett, Hassell, Jackson, Kernell, Lewis, Maddox, McDonald, McMillan, Mumpower, Phillips, Pleasant, Pruitt, Ridgeway, Ritchie, Robinson, Sargent, Scroggs, Stamps, Towns, Turner (Shelby), Westmoreland, Williams, Windle -- 37.

A motion to reconsider was tabled.

House Bill No. 1664 -- District Attorneys - Revises quantity of funded positions in several judicial districts. Amends TCA Section 16-2-506. by *Hargrove. (*SB1561 by *Crutchfield, *McNally, *Rochelle)

On motion, House Bill No. 1664 was made to conform with **Senate Bill No. 1561**; the Senate Bill was substituted for the House Bill.

Rep. Hargrove moved that Senate Bill No. 1561 be passed on third and final consideration.

On motion, Rep. Buck withdrew Judiciary Committee Amendment No. 1.

Rep. Hargrove moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND Senate Bill No. 1561 by deleting from SECTION 8 the language "eight (8)" and substituting instead the language "nine (9)".

On motion, Amendment No. 2 was adopted.

Rep. Hargrove moved that **Senate Bill No. 1561**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 2532** -- Election Laws - Establishes review process to secretary of state's administrative law judge rather than chancery court for county election commission. Amends TCA Section 2-12-109 and Section 2-12-209. by *Curtiss. (SB2721 by *Cooper)

Further consideration of House Bill No. 2532 previously considered on March 12, 1998, at which time the House adopted Amendment(s) No(s). 1, 2, 3, 4, 5, 6, 7. House Bill No. 2532 was also considered on March 18, 1998, at which time the House adopted Amendment(s) No(s). 8, 9, 10, 11, 12, 13, 14, 16, 17, 18, 19 and 20 and reset the bill to today's Calendar.

On motion of Rep. Curtiss, **House Bill No. 2532** was withdrawn from the House.

House Bill No. 2295 -- Banks and Financial Institutions - Authorizes out-of-state banks to acquire certain branch banks in Tennessee, without acquiring entire bank, if home state has reciprocal authorization for Tennessee banks. Amends TCA Title 45, Chapter 2, Part 14, Section 45-2-614 and Section 6 of Public Chapter No. 165, Acts of 1995. by *Rinks. (*SB2345 by *Crowe)

On motion, House Bill No. 2295 was made to conform with **Senate Bill No. 2345**; the Senate Bill was substituted for the House Bill.

Rep. Rinks moved that Senate Bill No. 2345 be passed on third and final consideration.

On motion, Rep. Rhinehart withdrew Commerce Committee Amendment No. 1.

Rep. Rinks moved that **Senate Bill No. 2345** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	94
Noes	2
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives voting no were: Brooks, Brown -- 2.

Representatives present and not voting were: Hargett -- 1.

A motion to reconsider was tabled.

House Bill No. 2378 -- Children - Directs board for licensing health care facilities and emergency medical services board to promulgate minimum regulatory standards to ensure adequacy of emergency medical services for children. Amends TCA Title 68, Chapter 11, Part 2 and Title 68, Chapter 140, Part 5. by *Pruitt, *DeBerry J, *Turner (Hamilton), *Eckles, *Armstrong, *Brooks, *Halteman Harwell, *Jones, S., *Langster, *Bowers, *DeBerry L, *Miller L, *Caldwell. (*SB2413 by *Henry, *Ford J, *Atchley, *Dixon, *Person, *Herron)

Rep. Pruitt moved that House Bill No. 2378 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2378 by adding the following sentence to the end of the first paragraph of the amendatory language of Section 1 of the printed bill and to the end of the first paragraph of the amendatory language of Section 2 of the printed bill:

The rules shall take into account the size and location of facilities and shall ensure appropriate triage, stabilization and referral of patients.

On motion, Amendment No. 1 was adopted.

Rep. Pruitt moved that **House Bill No. 2378**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 2923** -- Contractors - Requires every construction manager to obtain contractor's license regardless of dollar value of project Amends TCA Title 62, Chapter 6. by *Haley, *Pleasant, *Ford S. (SB3276 by *Miller J)

Rep. Haley moved that House Bill No. 2923 be passed on third and final consideration.

CHAIR TO DEBERRY

Mr. Speaker Naifeh relinquished the Chair to Rep. DeBerry, Speaker pro tempore.

REGULAR CALENDAR, CONTINUED

Rep. Haley moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2923 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-6-102(3)(A), is amended by deleting the last sentence in its entirety and by substituting instead the following language:

"Contractor" includes, but is not limited to, a prime contractor, electrical contractor, electrical subcontractor, mechanical contractor, mechanical subcontractor, plumbing contractor, and plumbing subcontractor. If the cost of a project exceeds twenty-five thousand dollars (\$25,000), such term also includes a construction manager of any kind, including, but not limited to, a residential construction manager, construction consultant, architect, and/or engineer who conducts or provides any activity or service described herein other than normal architectural or engineering services.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

Rep. Haley requested that House Bill No. 2923 be moved down 5 places on the Calendar.

***House Joint Resolution No. 466** -- Memorials, Government Officials - Requests state board of education to implement TCA 49-50-201 relative to community education programs. by *Cooper B, *Jones U (Shelby), *DeBerry J, *Miller L, *Brooks, *Turner (Shelby), *Bowers, *DeBerry L, *Brown.

Rep. Cooper moved adoption of House Joint Resolution No. 466.

Rep. Cooper moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Joint Resolution No. 466 by adding the following four new resolving clauses immediately after the first resolving clauses:

BE IT FURTHER RESOLVED, That in addition to the activities described in Tennessee Code Annotated, Section 49-50-201, the State Board of Education is to encourage community education programs concerning:

(1) the use of public school facilities for after-school care for children of working parents and utilizing such time for the enhancement of public school programs, including tutoring, counseling and cultural programs and projects;

- (2) the use of public school facilities for senior citizens services;
and
- (3) placing emphasis on adult evening literacy and GED courses.

BE IT FURTHER RESOLVED, That the commissioner of education is requested to develop an initiative for the implementation of pilot programs in each of the three (3) grand divisions to enhance community education programs which emphasize community involvement and usage of the public school facilities as community educational centers. The initiative should include guidelines to assist local communities in which the pilot projects are to be implemented in:

- (1) planning, establishing, expanding and maintaining community education based on local goals and resources;
- (2) establishing a process to provide a mechanism for home to school to community partnerships in the teaching and learning process;
and
- (3) any other items deemed essential or advisable by the commissioner in planning for an orderly growth and development of community education.

BE IT FURTHER RESOLVED, That the commissioner and the state board of education are encouraged to take reasonable steps to update and disseminate to local education agencies the five-year "State Plan for Comprehensive Community Education Development in Tennessee 1992-1997". At such time as the state plan is revised, the local education agencies are encouraged to implement community education programs based on such revised plan.

BE IT FURTHER RESOLVED, That a copy of this resolution be sent to the commissioner of education.

On motion, Amendment No. 1 was adopted.

Rep. Cooper moved adoption of **House Joint Resolution No. 466**, as amended, which motion prevailed by the following vote:

Ayes 90
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hassell, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ridgeway, Rinks, Ritchie, Roach,

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Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 90.

A motion to reconsider was tabled.

***House Bill No. 3340** -- Highway Signs - "Pat Head Summitt Parkway," S.R. 12, Cheatham County, by *Williams (Williamson), *Davidson. (SB3353 by *Kurita)

Rep. Williams moved that House Bill No. 3340 be passed on third and final consideration.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3340 by deleting SECTION 1 of the printed bill in its entirety and substituting instead the following new language:

SECTION 1. Notwithstanding any other provision of law to the contrary, that the segment of State Route 12 between Ashland City and Clarksville is hereby designated as the "Pat Summitt Parkway" in honor of this coaching legend.

and further amend by deleting SECTION 2 of the printed bill in its entirety and substituting instead the following new language:

SECTION 2. That the Department of Transportation is directed to erect suitable signs or to affix suitable markers designating such segment of State Route 12, northbound and southbound, in Cheatham County and Montgomery County as the "Pat Head Summitt Parkway".

On motion, Amendment No. 1 was adopted.

Rep. Williams moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 3340 by deleting all language following the preamble and by substituting instead the following language:

SECTION 1. Notwithstanding any other provision of law to the contrary, the segment of State Route 12 between Ashland City and Clarksville is hereby designated as the "Pat Head Summitt Parkway" in honor of this coaching legend. The City of Clarksville is authorized, by a two-thirds (2/3) vote of its legislative body, to extend the designation of the "Pat Head Summitt Parkway" to that segment of State Route 12 from the corporate boundaries of the city of Clarksville to the terminus of State Route 12.

SECTION 2. The department of transportation is directed to erect suitable signs or to affix suitable markers designating that segment of State Route 12 between Ashland City and Clarksville as the "Pat Head Summitt Parkway", and on that segment of State Route 12 from the corporate boundaries of the city of Clarksville to the terminus of State Route 12, if the City of Clarksville by a two-thirds (2/3) vote of its legislative body authorizes the extension of such designation on such segment of State Route 12.

SECTION 3. The erection of such signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices.

SECTION 4. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. McMillan moved that **House Bill No. 3340**, as amended, be passed on third and final consideration, and that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winingham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 2885** -- Pardons and Paroles - Excludes close custody and maximum custody inmates from parole grant hearing for designated amount of time. Amends TCA Section 40-28-115 and Section 40-35-501. by *Newton, *McDaniel. (SB3099 by *Jordan, *Atchley)

On motion, House Bill No. 2885 was made to conform with **Senate Bill No. 3099**; the Senate Bill was substituted for the House Bill.

Rep. Newton moved that **Senate Bill No. 3099** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood -- 95.

A motion to reconsider was tabled.

House Bill No. 2152 -- Sunset Laws - Department of mental health and mental retardation, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Kernell, *Garrett, *Brooks. (*SB2122 by *Springer, *Graves)

Rep. Kernell moved that House Bill No. 2152 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2152 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-221(a), is amended by adding a new item thereto as follows:

() Department of mental health and mental retardation, created by Section 4-3-101;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2152**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 94
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

A motion to reconsider was tabled.

House Bill No. 2166 -- Sunset Laws - Mental health and mental retardation board of trustees, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 33, Chapter 1. by *Kernell, *Garrett, *Brooks. (*SB2130 by *Springer)

Rep. Kernell moved that House Bill No. 2166 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2166 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-221(a), is amended by adding a new item thereto, as follows:

() Department of mental health and mental retardation, board of trustees, created by Section 33-1-301;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2166**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount),

Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

***House Bill No. 2923** -- Contractors - Requires every construction manager to obtain contractor's license regardless of dollar value of project Amends TCA Title 62, Chapter 6. by *Haley, *Pleasant, *Ford S. (SB3276 by *Miller J)

Further consideration of House Bill No. 2923 previously considered on today's Calendar at which time the House was on the motion to adopt Amendment No. 1.

Rep. Haley moved that House Bill No. 2923 be passed on third and final consideration.

Rep. Haley moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2923 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 62-6-102(3)(A), is amended by deleting the last sentence in its entirety and by substituting instead the following language:

"Contractor" includes, but is not limited to, a prime contractor, electrical contractor, electrical subcontractor, mechanical contractor, mechanical subcontractor, plumbing contractor, and plumbing subcontractor. If the cost of a project exceeds twenty-five thousand dollars (\$25,000), such term also includes a construction manager of any kind, including, but not limited to, a residential construction manager, construction consultant, architect, and/or engineer who conducts or provides any activity or service described herein other than normal architectural or engineering services.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Bowers moved the previous question, which motion prevailed.

Rep. Haley moved that **House Bill No. 2923**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	61
Noes	22
Present and not voting	9

WEDNESDAY, APRIL 1, 1998 -- EIGHTIETH LEGISLATIVE DAY

Representatives voting aye were: Arriola, Bittle, Bone, Boner, Bowers, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Curtiss, Davidson, DeBerry J., DeBerry L., Dunn, Eckles, Ford, Fraley, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Jones S., Kent, Kernell, Kerr, Kisber, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Phelan, Pleasant, Rhinehart, Rinks, Ritchie, Sands, Sargent, Scroggs, Stamps, Stulce, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walley, Westmoreland, White, Whitson, Wood, Mr. Speaker Naifeh -- 61.

Representatives voting no were: Beavers, Boyer, Buck, Cross, Davis, Ferguson, Huskey, Jones U., Maddox, McKee, Odom, Patton, Phillips, Pinion, Ridgeway, Roach, Sharp, Tidwell, Walker (Rhea), West, Williams, Windle -- 22.

Representatives present and not voting were: Armstrong, Bird, Brooks, Brown, Fowlkes, Givens, Jackson, Lewis, Newton -- 9.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from not voting to no on House Bill No. 2923 and have this statement entered in the Journal: Rep(s). Winningham.

REGULAR CALENDAR, CONTINUED

House Bill No. 2155 -- Sunset Laws - Lakeshore mental health institute, board of trustees, June 30, 2006 Amends TCA Title 4, Chapter 29 and Title 33, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2125 by *Springer)

Rep. Kernell moved that House Bill No. 2155 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2155 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-221(a), is amended by adding the following as a new item thereto, as follows:

() Lakeshore mental health institute, board of trustees, created by Section 33-2-101;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2155**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2156 -- Sunset Laws - Memphis mental health institute, board of trustees, June 30, 2006 Amends TCA Title 4, Chapter 29 and Title 33, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2126 by *Springer)

Rep. Kernell moved that House Bill No. 2156 be passed on third and final consideration.

On motion, Rep. Kernell withdrew Government Operations Committee Amendment No. 1.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 (corrected) as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2156 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-221(a), is amended by adding the following as a new item thereto:

() Memphis mental health institute, board of trustees, created by Section 33-2-201;

On motion, Amendment No. 2 was adopted.

Rep. Kernell moved that **House Bill No. 2156**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2157 -- Sunset Laws - Middle Tennessee mental health institute, board of trustees, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 33, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2127 by *Springer)

Rep. Kernell moved that House Bill No. 2157 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2157 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-221(a), is amended by adding the following as a new subsection thereto:

() Middle Tennessee mental health institute, board of trustees, created by Section 33-2-101;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2157**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp,

Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2158 -- Sunset Laws - Moccasin Bend mental health institute, board of trustees, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 33, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2128 by *Springer)

Rep. Kernell moved that House Bill No. 2158 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2158 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-221(a), is amended by adding the following as a new item thereto:

() Moccasin Bend mental health institute, board of trustees, created by Section 33-2-101;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2158**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 2183 -- Sunset Laws - Western Mental Health Institute, board of trustees, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 33, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2100 by *Springer)

Rep. Kernell moved that House Bill No. 2183 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2183 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION ____ . Tennessee Code Annotated, Section 4-29-221(a), is amended by adding the following as a new item thereto:

() Western mental health institute, board of trustees, created by Section 33-2-101;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2183**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2184 -- Sunset Laws - Arlington developmental center, board of trustees, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 33, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2099 by *Springer)

Rep. Kernell moved that House Bill No. 2184 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2184 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-221(a), is amended by adding a new item thereto, as follows:

() Arlington developmental center, board of trustees, created by Section 33-2-101;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2184**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 98
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 98.

A motion to reconsider was tabled.

House Bill No. 2186 -- Sunset Laws - Clover Bottom developmental center, board of trustees, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 33, Chapter 2. by *Kernell, *Garrett, *Brooks. y (*SB2097 by *Springer)

Rep. Kernell moved that House Bill No. 2186 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2186 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-221(a), is amended by adding the following as a new item thereto:

() Clover Bottom developmental center, board of trustees, created by Section 33-2-101;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2186**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2185 -- Sunset Laws - Greene Valley Developmental Center, board of trustees, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 33, Chapter 2. by *Kernell, *Garrett, *Brooks. (*SB2098 by *Springer)

Rep. Kernell moved that House Bill No. 2185 be passed on third and final consideration.

Rep. Kernell moved adoption of Government Operations Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2185 By deleting Section 2 in its entirety and by substituting instead the following:

SECTION 2. Tennessee Code Annotated, Section 4-29-221(a), is amended by adding the following as a new item thereto:

() Greene Valley developmental center, board of trustees, created by Section 33-2-101;

On motion, Amendment No. 1 was adopted.

Rep. Kernell moved that **House Bill No. 2185**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boner, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: McKee -- 1.

A motion to reconsider was tabled.

***House Bill No. 3364** -- Highway Signs - Permits county legislative bodies in counties in which segments of S.R. 6 are located to recommend names of individuals on S.R. 6 bridges. by *Sands, *White. (SB3360 by *Jordan)

Rep. Sands moved that House Bill No. 3364 be passed on third and final consideration.

Rep. Sands requested that Amendment No. 1 be moved to the heel of the Amendments.

Rep. Robinson moved adoption of Transportation Committee Amendment No. 1 as House Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 3364 by adding the following language immediately preceding the enacting clause:

WHEREAS, from time to time, this General Assembly has seen fit to name certain highways and bridges to honor those distinguished public servants who have contributed significantly to the health and prosperity of their respective communities; and

WHEREAS, Judge Edward T. Workman of Mount Pleasant, Maury County is most assuredly one such exemplary citizen who is deserving of special recognition; and

WHEREAS, as presiding judge of General Sessions Court, Part II of Maury County, Ed Workman has served every citizen in a fair and impartial manner and has made himself available 24 hours a day, 7 days a week to hear pressing matters before the court; and

WHEREAS, throughout his four terms in office, Judge Workman has been committed to protecting the constitutional rights of every citizen; and

WHEREAS, Judge Workman has served the criminal justice system with distinction for nearly fifty years in a variety of positions, including constable, chief deputy sheriff, court officer and general sessions judge for 27 outstanding years; and

WHEREAS, prior to his meritorious service on the bench, Judge Workman excelled as the Chief Deputy Sheriff of Maury County for six years and was a general sessions court officer for 17 years; and

WHEREAS, in 1971, Governor Buford Ellington appointed him as Judge of General Sessions Court, Part II of Maury County; and

WHEREAS, a native of Maury County, Judge Workman has lived his entire life in Mount Pleasant, except for his laudable term of service in the United States Marine Corps; and

WHEREAS, a graduate of Hay Long High School, Ed Workman was the captain of the school's football team and was named an All-South linebacker; his gridiron prowess earned him scholarship offers from Tennessee, Alabama, LSU, North Carolina, Texas A&M and several other colleges; and

WHEREAS, although he had a draft deferment because of his employment in the war effort, he volunteered for the United State Marine Corps in 1942; and

WHEREAS, he served with courage and valor during World War II as a platoon sergeant with the Third Marine Division, 21st Battalion in the Pacific Theater of Operations; and

WHEREAS, he was wounded on three separate occasions (at Bougainville, Guam and Iwo Jima) and was thrice decorated with the Purple Heart; and

WHEREAS, after he was injured at Bougainville, Mr. Workman was scheduled to return stateside, but through perseverance and persuasive argument, he was able to convince his supervisors to allow him to rejoin his company; and

WHEREAS, he was decorated with the Bronze Star for service beyond the call of duty in Guam; and

WHEREAS, on his birthday, February 10, 1945, Ed Workman walked 21 miles to board a ship carrying the second wave of Marines to Iwo Jima, where American forces lost more men in less time than in any battle in history; and

WHEREAS, at Iwo Jima, he and his depleted squad were responsible for defusing seventy-five 500-pound bombs, thus clearing the air field for American occupation; Mr. Workman was decorated with the Silver Star in recognition of his bravery and heroism in this action; and

WHEREAS, the day following after he suffered his third combat injury, American forces secured Iwo Jima, and he was present to see the first American flag raised on Mt. Suribachi; and

WHEREAS, in addition to his impressive record of military service during World War II, Judge Ed Workman has dedicated his entire life to astutely serving his fellow citizens of Maury county as a judge, as a civic leader and in numerous other capacities; now, therefore,

AND FURTHER AMEND by deleting the language following the enacting clause in its entirety and by substituting instead the following:

SECTION 1. Notwithstanding any provision of law to the contrary, the new bridge at Rockdale Hill on State Route 6 (U.S. Highway 43) in Maury County is hereby designated the "Judge Ed Workman Bridge" as a lasting tribute to this accomplished jurist and his life of purpose and commitment to others.

SECTION 2. The Department of Transportation is directed to erect suitable signs or to affix suitable markers designating such bridge on State Route 6 as the "Judge Ed Workman Bridge".

SECTION 3. The erection of such signs shall be within the guidelines prescribed by the Manual on Uniform Traffic Control Devices.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 2 was adopted.

Rep. Sands moved that Amendment No. 1 be withdrawn, which motion prevailed.

Rep. Sands moved that **House Bill No. 3364**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	97
Noes.....	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent,

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Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2539 -- Sunset Laws - Terminates primary care advisory board; transfers functions relative to drug formularies to board of nursing. Amends TCA Title 63 and Title 68. by *Kernell. (*SB2526 by *Springer)

Rep. Kernell moved that House Bill No(s). 2539 be reset for the Regular Calendar on April 6, 1998, which motion prevailed.

***House Bill No. 3241** -- Election Laws - Reduces campaign and lobbying restrictions placed on member of registry of election finance after leaving position. Amends TCA Section 2-10-203(j). by *Kisber. (SB3348 by *Herron)

Further consideration of House Bill No. 3241 previously considered on March 30, 1998, and reset to today's Calendar.

Rep. Kisber moved that House Bill No. 3241 be passed on third and final consideration.

Rep. Kisber moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3241 by deleting the effective date section and substituting instead the following:

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it, and shall cease to be effective on June 1, 1999.

On motion, Amendment No. 1 was adopted.

Rep. Kisber moved that **House Bill No. 3241**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Lewis, McAfee, McDaniel, McDonald, McKee, McMillan, Miller,

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Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 3203 -- Criminal Offenses - Redefines "lewdness" to include indecent exposure. Amends TCA Section 29-3-101. by *Dunn, *Burchett, *Bone, *West, *Haley, *Pleasant. (*SB1610 by *Jordan)

Further consideration of House Bill No. 3203 previously considered on March 23, 1998, March 26, 1998. House Bill No. 3203 was also considered on March 30, 1998, at which time the House withdrew Amendment No. 1, adopted Amendment No. 2 and reset the bill to today's Calendar.

Rep. Dunn moved that House Bill No. 3203, as amended, be passed on third and final consideration.

Rep. McMillan moved that House Bill No. 3203 be re-referred to the Judiciary Committee, which motion was immediately withdrawn.

Rep. Dunn moved that House Bill No(s). 3203 be reset for the Regular Calendar on March 9, 1998, which motion prevailed.

CHAIR TO SPEAKER

Mr. Speaker Naifeh resumed the Chair.

REGULAR CALENDAR, CONTINUED

House Bill No. 3278 -- Railroads - Increases from six months to one year time when railroad company must install automatic warning or protective devices at certain crossings. Amends TCA Title 65, Chapter 11, Part 1. by *Robinson, *Buck. (*SB2449 by *Haun)

Further consideration of House Bill No. 3278 previously considered on March 16, 1998 and March 30, 1998, and reset to today's Calendar.

Rep. Robinson moved that House Bill No(s) 3278 be reset for the Regular Calendar on last calendar of this session, which motion prevailed.

***Senate Bill No. 3079** -- Fees - Authorizes register in Jefferson County to impose \$2.00 data processing fee for recording of each instrument Amends TCA Section 8-21-1001. by *Williams. (HB2862 by *Roach)

Further consideration of Senate Bill No. 3079 previously considered on March 30, 1998, at which time the Senate Bill was substituted for the House Bill and the House adopted Amendment No. 1 and reset the bill to today's Calendar.

Rep. Roach moved that House Bill No(s). 3079 be reset for the Regular Calendar on April 15, 1998, which motion prevailed.

Senate Joint Resolution No. 450 -- Naming and Designating - "Police Memorial Day," May 13, 1998; "Police Memorial Week," May 11-17, 1998. by *Burks, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L, *Dixon, *Elsea, *Ford J, *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J, *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Further consideration of Senate Joint Resolution No. 450 previously considered on March 30, 1998, and reset to today's Calendar.

Rep. Kent moved that Senate Joint Resolution No. 450 be concurred in.

Rep. Kent moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Joint Resolution No. 450 by deleting from the caption of the introduced resolution the language "May 13, 1998" and by substituting instead the language "May 15, 1998".

AND FURTHER AMEND by deleting the first resolving clause in its entirety and by substituting instead the following:

BE IT RESOLVED BY THE SENATE OF THE ONE-HUNDREDTH GENERAL ASSEMBLY OF THE STATE OF TENNESSEE, THE HOUSE OF REPRESENTATIVES CONCURRING, That we hereby proclaim May 15, 1998, as "Police Memorial Day" and the week of May 11-17, 1998, as "Police Memorial Week" in honor of the brave and valiant services rendered by the many law enforcement officers throughout this state.

On motion, Amendment No. 1 was adopted.

Rep. Kent moved that **Senate Joint Resolution No. 450**, as amended, be concurred in and that all members voting aye be added as sponsors, which motion prevailed by the following vote:

Ayes..... 96
Noes 0

Representatives voting aye were: Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove,

Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2629 -- Purchasing - Authorizes counties under County Purchasing Law of 1957 to purchase items on open market after receiving bids if open market price is less than bid price and to use open bids rather than sealed bids if summary of all bids received is posted publicly and on Internet. Amends TCA Title 5; Section 5-14-108; Title 6; Title 7; Title 12; Section 49-2-203; Section 54-9-210; Section 54-7-113 and Section 54-9-209. by *Stamps, *McDonald. (*SB2372 by *Graves)

Further consideration of House Bill No. 2629 previously considered on March 30, 1998, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

Rep. Stamps moved that House Bill No. 2629 be passed on third and final consideration.

Rep. U. Jones moved adoption of Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2629 By adding the following immediately preceding the enacting clause:

WHEREAS, it is prudent from time to time to examine the language of state statutes to determine if such language permits the employment of technological advances which can bring efficiencies and economies to the operation of state and local government; and

WHEREAS, the bidding and purchasing procedures of state and local government are one such area where efficiencies and economies might be obtained through the use of the Internet in permitting a system of open bids in purchasing procedure; and

WHEREAS, it is fitting and appropriate that the question of permitting an open bid system, including the use of the Internet be examined by representatives of state and local government and the private sector; now, therefore,

AND FURTHER AMEND by deleting all of the language after the enacting clause and substituting instead the following:

SECTION 1. There is created a task force to study the issue of permitting a system of open bids in the purchasing procedures of municipal, county and state governments, including the use of the Internet as a medium for advertising for and receiving open bids.

SECTION 2. The task force shall consist of seven (7) members, as follows: the commissioner of general services or his designee; the director of county audit of the office of the comptroller of the treasury; one (1) person having technical knowledge of information services and the Internet, to be appointed by the information systems council; one (1) person appointed by the Tennessee city manager's association; two (2) persons appointed by the Tennessee association of public purchasing, one (1) to be a municipal purchasing officer and one (1) to be a county purchasing officer; and one (1) person from the private sector to be appointed by the governor.

SECTION 3. The task force shall study the bidding and purchasing processes of municipal, county and state governments and the statutory language establishing such procedures, and shall make recommendations as to whether any or all of such governmental units would benefit from allowing a system of open bids advertised for and received through the medium of the Internet.

The commissioner of general services shall convene the first meeting of the Task Force. At its first meeting the task force shall elect a chair, a vice chair and such other officers as the task force may find necessary and appropriate.

The Institute for Public Service of the University of Tennessee and the Fiscal Review Committee shall furnish staff assistance to the task force, if requested.

Members of the task force shall serve without compensation, except that any member of the task force who is not a state or local government employee shall be reimbursed for all travel expenses incurred as a result of his or her duties with the task force in accordance with the provisions of the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general.

The task force shall report its findings and recommendations to the chairs of the commerce committees, the finance, ways and means committees and the state and local government committees of the senate and house of representatives of the general assembly no later than February 1, 1999, at which time the task force shall cease to exist.

SECTION 4. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. U. Jones moved that House Bill No. 2629 be re-referred to the Committee on Calendar & Rules, which motion prevailed.

***House Bill No. 2210** -- Administrative Procedure - Redefines "rule" to exclude statements concerning inmates of correctional or detention facility. Amends TCA Title 4, Chapter 5, Part 1. by *Stamps, *McDaniel. (SB2225 by *Fowler, *Atchley)

Further consideration of House Bill No. 2210 previously considered on March 30, 1998, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

On motion, House Bill No. 2210 was made to conform with **Senate Bill No. 2225**; the Senate Bill was substituted for the House Bill.

Rep. Stamps moved that **Senate Bill No. 2225** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	94
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 94.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

***House Bill No. 3066** -- Aircraft and Airports - Revises requirements for civil service plan if board of metropolitan airport authority adopts own civil service plan; empowers board to contract with secretary of state for administrative law judges or to other persons on a case-by-case basis. Amends TCA Section 42-4-110. by *DeBerry J. (SB3171 by *Person)

Further consideration of House Bill No. 3066 previously considered on March 30, 1998, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

On motion, House Bill No. 3066 was made to conform with **Senate Bill No. 3171**; the Senate Bill was substituted for the House Bill.

Rep. J. DeBerry moved that **Senate Bill No. 3171** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

***House Bill No. 2208** -- Fire Prevention and Investigation - Permits deputy fire inspectors appointed by authorized city officials to conduct electrical inspections for a fee upon request of property owners, electric suppliers, or municipal or county governments. Amends TCA 68-102-143. by *Westmoreland, *McDaniel, *Cross. (SB2223 by *Williams, *Atchley)

Further consideration of House Bill No. 2208 previously considered on March 30, 1998, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

On motion, House Bill No. 2208 was made to conform with **Senate Bill No. 2223**; the Senate Bill was substituted for the House Bill.

Rep. Westmoreland moved that Senate Bill No. 2223 be passed on third and final consideration.

Rep. Kent moved the previous question, which motion prevailed.

Rep. Westmoreland moved that **Senate Bill No. 2223** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	82
Noes	11
Present and not voting	1

Representatives voting aye were: Armstrong, Beavers, Bird, Bittle, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kerr, Kisber, Langster, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, Whitson, Williams, Wood, Mr. Speaker Naifeh -- 82.

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Representatives voting no were: Arriola, Bone, Curtiss, Ferguson, Lewis, Newton, Rhinehart, Rinks, White, Windle, Winningham -- 11.

Representatives present and not voting were: Kernell -- 1.

A motion to reconsider was tabled.

Senate Joint Resolution No. 397 -- Flags - Urges proper display of Tennessee state flag. by *Rochelle, *Atchley, *Burks, *Carter, *Clabough, *Cohen, *Cooper, *Crowe, *Crutchfield, *Davis L., *Dixon, *Eisea, *Ford J., *Fowler, *Gilbert, *Graves, *Harper, *Haun, *Haynes, *Henry, *Herron, *Jordan, *Koella, *Kurita, *Kyle, *Leatherwood, *McNally, *Miller J., *Person, *Ramsey, *Rochelle, *Springer, *Wilder, *Williams, *Womack.

Further consideration of Senate Joint Resolution No. 397 previously considered on March 30, 1998, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

Rep. Buck moved that **Senate Joint Resolution No. 397** be concurred in, which motion prevailed by the following vote:

Ayes.....	95
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2262** -- Election Laws - Requires employers to excuse from employment full-time employees who are appointed voting machine technicians performing such duties on part-time basis. Amends TCA Title 2. by *Buck, *Pinion. (SB2281 by *Rochelle)

Further consideration of House Bill No. 2262 previously considered on March 30, 1998, at which time it was objected to on the Consent Calendar and reset to today's Calendar.

On motion, House Bill No. 2262 was made to conform with **Senate Bill No. 2281**; the Senate Bill was substituted for the House Bill.

Rep. Buck moved that **Senate Bill No. 2281** be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes..... 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

***House Bill No. 2409** -- Administrative Procedure - Requires, when property has been seized, forfeiture warrant hearing to be recorded; requires police and judge to state with specificity why property subject to forfeiture if owner not in possession at time of seizure; gives person cause of action against seizing agency if property seized or not returned in bad faith Amends TCA Title 40, Chapter 33, Part 2. by *Buck. (SB2971 by *Gilbert)

Rep. Buck moved that House Bill No. 2409 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2409 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 40-33-204, is amended by deleting from the first sentence of subsection (a) the language "judge who is authorized to issue a search warrant" and substituting instead the language "general sessions, circuit or criminal court judge".

SECTION 2. Tennessee Code Annotated, Section 40-33-204, is further amended by deleting subsection (b) in its entirety and substituting instead the following:

(b) The officer making the seizure shall apply for a forfeiture warrant by filing a sworn affidavit within five (5) working days following the property seizure. The forfeiture warrant shall be based upon proof by affidavit and shall have attached to it a copy of the notice of seizure. The hearing on the application for a forfeiture warrant shall be ex parte and shall be recorded. It shall be the duty of the court to maintain such recording. The affidavit in support of a forfeiture warrant shall be sworn to and state the following:

(1) The legal and factual basis making such property subject to forfeiture;

(2) If the owner or co-owner of the property was not the person in possession of the property at the time of seizure and can be determined from public records of title, registrations or other recorded documents, the affidavit shall state with particular specificity the officer's probable cause for believing that the owner or co-owner of the property knew that such property was of a nature making its possession illegal or was being used in a manner making it subject to forfeiture as well as the legal and factual basis for forfeiture of such interest; and

(3) If the interest of a secured party with a duly perfected security interest as reflected in the public records of title, registration or other recorded documents, is sought to be forfeited, the affidavit shall state with particular specificity the officer's probable cause that the secured party's interest in such property is nevertheless subject to forfeiture as well as the legal and factual basis for forfeiture of such interest.

SECTION 3. Tennessee Code Annotated, Section 40-33-204, is amended by deleting subsection (e) in its entirety, substituting instead the following, and relettering present subsection (f) as subsection (h):

(e) If the owner or co-owner of the property was not the person in possession of the property at the time of the seizure and can be determined from public records of title, registrations or other recorded documents, the judge shall put the seizing officer under oath and ask the following questions:

(1) What is the officer's probable cause that the owner or co-owner of the property knew that such property was of a nature making its possession illegal or was being used in a manner making it subject to forfeiture;

(2) What is the officer's probable cause that the co-owner(s) who are not in possession of the property at the time it was seized were co-conspirators to the activity making the property subject to forfeiture; and

(3) Any other questions necessary to determine the legal and factual basis for forfeiture.

(f) If a secured party's interest is sought to be forfeited, the judge shall put the seizing officer under oath and ask the following questions:

(1) What is the officer's probable cause that the secured party is a co-conspirator to the activity making the property subject to forfeiture;

(2) Did the secured party at the time the interest attached, have actual knowledge of the intended illegal use of the property; and

(3) Any other question deemed necessary to determine the legal and factual basis for forfeiture of such secured party's interest.

(g) Upon issuance of the forfeiture warrant, the judge shall retain the affidavit relied upon in support of the warrant and the officer shall, within seven (7) working days, send the warrant, a copy of the affidavit and the notice of seizure to the applicable agency. By signing and issuing the forfeiture warrant, the judge is affirming that he or she made the required finding of probable cause necessary to issue the warrant. Upon receipt of such documents, the applicable agency shall notify any other owner, as may be determined from public records of titles, registration or other recorded documents, or secured party that a forfeiture warrant has been issued. Upon receipt of the notice of seizure and forfeiture warrant and after interviewing any witnesses, the applicable agency shall release such property if there is no legal and factual basis for forfeiture. The seizing agency shall maintain a copy of the notice of seizure for all property seized at its main office and such notices and receipts shall be public records.

SECTION 4. Tennessee Code Annotated, Title 40, Chapter 33, Part 2, is amended by adding the following as a new section:

Section 40-33-215.

(a) A person who has property seized in accordance with the provisions of this part shall have a cause of action against the seizing agency if the seizing officer acted in bad faith in seizing or failing to return property seized pursuant to this part.

(b) A person who prevails in an action against a seizing agency pursuant to this section shall be entitled to:

(1) Reasonable attorney fees and court costs necessarily incurred in seeking the return of the seized property and in bringing the action pursuant to this section; and

(2) Monetary damages resulting from the improper seizure of the property.

Monetary damages recoverable under this section shall be limited to the rental value of property similar to that which was seized for the period of time it was seized but in no event shall such damages exceed the value of the seized property.

SECTION 5. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of Amendment No. 2 as follows:

Amendment No. 2

AMEND House Bill No. 2409 by adding the following new subsection (c) to Section 40-33-215 of the amendatory language of SECTION 4 of House Judiciary Committee Amendment #1:

(c) For the purposes of this section, a seizing officer "acts in bad faith" when the officer acts intentionally, dishonestly, or willfully and/or such officer's actions have no reasonable basis in law or fact in regards to the seizure or failure to return the property seized.

On motion, Amendment No. 2 was adopted.

Rep. Buck moved adoption of Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 2409 by inserting the following between the fourth and fifth sentences of subsection (b) of SECTION 2 of the amendatory language of House Judiciary Committee Amendment #1:

Certified copies of the proceeding shall be made available to any party requesting such, and the same shall be admissible as evidence.

AND FURTHER AMEND by adding the following new appropriately lettered subsection to Section 40-33-215 of the amendatory language of SECTION 4 of House Judiciary Committee Amendment #1:

() A copy of any suit filed pursuant to the provisions of this section shall be forwarded to the Court of Judiciary.

AND FURTHER AMEND by deleting the effective date section of House Judiciary Committee Amendment #1 and substituting instead the following:

SECTION 5. This act shall take effect on October 1, 1998, the public welfare requiring it.

On motion, Amendment No. 3 was adopted.

Rep. Burchett moved the previous question, which motion prevailed.

Rep. Buck moved that **House Bill No. 2409**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes 93
Noes 0
Present and not voting 1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., Dunn, Eckles, Ferguson, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Bowers -- 1.

A motion to reconsider was tabled.

***House Bill No. 2931** -- Child Abuse - Increases punishment for offense of child abuse and neglect from Class A misdemeanor to Class D felony if child is 13 years of age or less, rather than present requirement that child be six years of age or less. Amends TCA Title 39, Chapter 15. by *Buck, *Newton. (SB3241 by *Burks)

Rep. Buck moved that House Bill No. 2931 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2931 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-15-401, is amended by deleting the period "." at the end of subsection (a) and substituting instead the following:

and if the abused child is more that six (6) years of age but less than thirteen (13) years of age, the penalty is a Class E felony.

SECTION 2. This act shall take effect on July 1, 1998, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 2931**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....96
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

***House Bill No. 2403** -- Law Enforcement - Extends from 7/1/98 to 7/1/99, date after which law enforcement personnel required to take two sets of fingerprints from all persons arrested Amends TCA Title 8, Chapter 4, Title 8, Chapter 8, Part 2, Title 38, Chapter 3, Part 1 and Chapter 502 of the Public Acts of 1997. by *Buck, *Newton. (SB2758 by *Person)

Rep. Buck moved that House Bill No. 2403 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2403 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-4-115, is amended by deleting subsection (a) in its entirety and substituting the following:

(a) The comptroller of the treasury, in consultation with the Tennessee bureau of investigation, the Tennessee Sheriff's Association, the Tennessee Association of Chiefs of Police, and the Tennessee Corrections Institute, developed standardized booking procedures which include:

- (1) A photograph of the arrestee;
- (2) Two sets of fingerprint cards, properly completed and mailed to the Tennessee bureau of investigation;
- (3) Delivery to the appropriate local law enforcement agency a completed judgment order signed by a judge to be used by the local law enforcement agency for completion of an R-84 Disposition Card; and

(4) An Arrest Report.

Where individuals are arrested multiple times for a violation of Tennessee Code Annotated, Section 39-17-310, the offense of public intoxication, the arresting officer shall note on the Arrest Report that fingerprints are on file for this individual pursuant to Tennessee Code Annotated, Section 38-3-122(a).

Compliance with these standardized booking procedures shall be the basis for the comptroller of the treasury determining compliance with the fingerprinting requirements of §§ 8-8-201(35) and 38-3-122. The Tennessee Corrections Institute and the law enforcement training academy shall train correctional personnel in municipal, county and metropolitan jurisdictions in the application of these standardized booking procedures.

SECTION 2. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following new subdivision (4) to subsection (c):

(4) The provisions of sections (c)(2) and (c)(3) become effective for fingerprints taken or required to be taken on or after July 1, 1999.

SECTION 3. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following sentence to the end of subsection (d):

The provisions of this subsection become effective for fingerprints taken or required to be taken on or after July 1, 1999.

SECTION 4. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following as an appropriately designated new section:

(___). Prior to purchasing an electronic fingerprint imaging system, the Sheriff or municipal police department shall obtain certification from the Tennessee bureau of investigation that such equipment is compatible with the Tennessee bureau of investigation and the federal bureau of investigation's integrated automated fingerprint identification system.

SECTION 5. Tennessee Code Annotated, Section 8-4-115, is amended by adding the following as an appropriately designated new section:

(___). Subject to the approval of the General Assembly, a portion of the funds derived from the additional privilege tax levied on all criminal cases instituted in this state as provided for in Tennessee Code Annotated, Section 67-4-602(g), may be appropriated to the Tennessee bureau of investigation for the purchase, installation, maintenance, and line charges of electronic fingerprint imaging systems.

SECTION 6. Tennessee Code Annotated, Section 38-3-122(a), is amended by inserting the following between the first and second sentences of subsection (a):

Provided, however, fingerprints are not required to be taken of individuals who are repeatedly arrested and incarcerated for a violation of Tennessee Code Annotated, Section 39-17-310, the offense of public intoxication, provided that the booking or arresting officer has verified that the individual's fingerprints are on file from a previous arrest.

SECTION 7. To establish the Tennessee Law Enforcement Advisory Council to evaluate the status of technological issues for law enforcement in Tennessee. A new chapter is hereby established in Tennessee Code Annotated, Title 38.

38-13-101. There is hereby created the Tennessee law enforcement advisory council.

38-13-102. The purpose of the advisory council is to monitor and evaluate the status of technological advancements and related issues to law enforcement in Tennessee. The advisory council will report to the Governor and the House and Senate Judiciary Committees of the General Assembly on an annual basis as to its findings.

38-13-103. The advisory council shall consist of one representative from each of the following: Tennessee bureau of investigation, comptroller of the treasury, Tennessee Sheriff's Association, Tennessee Association of Chiefs of Police, office of criminal justice, Tennessee district attorney generals conference, Tennessee corrections institute, and Tennessee identification system users group. The advisory council may add additional members, not to exceed four (4) members, if such council determines that additional members would assist the council in fulfilling its duties.

38-13-104. The Tennessee law enforcement advisory council is hereby authorized to use funds not to exceed five hundred dollars (\$500.00) per year from the revenue derived from the additional privilege tax on litigation of one dollar (\$1.00) on all criminal cases instituted in this state pursuant to T.C.A. 67-4-602(g), to provide necessary support services for the advisory council. Advisory council members shall be reimbursed for travel expenses in accordance with the comprehensive travel regulations promulgated by the department of finance and administration and approved by the attorney general and reporter.

SECTION 8. Tennessee Code Annotated, Section 38-3-122, is amended by adding the following to the end of subsection (c):

Any such funds derived from the fifteen dollar (\$15.00) increase in the amount of each handgun carry permit application fee shall not revert to the general fund on June 30 of any year but shall remain available for expenditure for its intended purpose as stated herein.

SECTION 9. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 2403**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	96
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

A motion to reconsider was tabled.

House Bill No. 2776 -- Law Enforcement - Requires, before purchasing fingerprint equipment with fine and forfeiture money, local law enforcement to receive certification from TBI that such equipment is compatible with equipment of other agencies Amends TCA Title 39, Chapter 17. by *Buck, *Patton. (*SB3038 by *Person)

Rep. Buck moved that House Bill No. 2776 be passed on third and final consideration.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2776 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 39-17-420, is amended by deleting subsection (h)(1) in its entirety and by substituting instead the following:

(h) (1) Except as provided in subdivision (h)(2), notwithstanding any other provision of this section to the contrary, in order to comply with state and federal fingerprinting requirements such as those in 42 U.S.C.A. § 14071, effective July 1, 1997, twenty percent (20%) of the funds a sheriff or municipal police department receives pursuant to this section shall be set aside and earmarked for the purchase, installation, and maintenance of and line charges for an electronic fingerprint imaging system that is compatible with the federal bureau of investigation's Integrated Automated Fingerprint Identification System. Prior to the purchase of such equipment, the sheriff or municipal police department shall obtain certification from the Tennessee bureau of investigation that

such equipment is compatible with the Tennessee bureau of investigation and federal bureau of investigation's Integrated Automated Fingerprint Identification System. Once the electronic fingerprint imaging system has been purchased, a sheriff or municipal police department may continue to set aside up to twenty percent (20%) of the funds received pursuant to this section to pay for the maintenance of and line charges for the electronic fingerprint imaging system. Instead of purchasing such fingerprinting equipment, a local law enforcement agency may enter into an agreement with another law enforcement agency that possesses such equipment for the use of such equipment. Such agreement may provide that the local law enforcement agency may use the fingerprinting equipment for identifying persons arrested by that agency in exchange for paying an agreed upon portion of the cost and maintenance of the fingerprinting equipment. If no such agreement exists, it shall be the responsibility of the arresting officer to obtain fingerprints and answer for the failure to do so.

SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved that **House Bill No. 2776**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes	97
Noes	0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Resolution No. 150** -- General Assembly, Review Or Ratification of Rules - Ratifies amendments to Tennessee Rules of Civil Procedure. by *Buck.

Rep. Buck moved adoption of House Resolution No. 150.

Rep. Buck moved adoption of Judiciary Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Resolution No. 150 by inserting between the second and third preamble clauses the following new preamble clause:

WHEREAS, on March 9, 1998, the Supreme Court filed an order withdrawing the amendments to Rule 4.06, captioned "Service by Publication Upon Defendant Whose Identity or Whereabouts is Unknown or Who is Attempting to Evade Service of Process", and Rule 32.01, captioned "Use of Depositions"; and

AND FURTHER AMEND by adding the following new language to the end of the resolving clause:

with the exception of the amendments to Rule 4.06 and Rule 32.01 which were withdrawn on March 9, 1998.

On motion, Amendment No. 1 was adopted.

Rep. Buck moved adoption of **House Resolution No. 150**, as amended, which motion prevailed by the following vote:

Ayes 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

House Bill No. 2583 -- Physicians and Surgeons - Enacts "Health Care Consumer Right to Know Act of 1998," by *Jones, S., *Jackson, *Brooks, *Langster, *Eckles, *Pruitt, *Bowers, *Turner (Shelby), *Brown, *Turner (Hamilton), *Hassell, *Garrett, *Caldwell, *Beavers, *Halteman Harwell, *Cooper B, *Ferguson, *Hargett, *Fraley, *Godsey, *Wood, *Rhinehart, *Armstrong, *Patton, *DeBerry J, *Arriola, *Bird, *West, *DeBerry L, *Boner, *Miller L, *Haley, *Pleasant, *Scroggs, *Davidson, *Kernell, *McDonald, *Ford S, *Fitzhugh, *Cross, *Stamps, *Fowlkes, *Rinks, *Newton, *Williams (Williamson), *Hood, *Bone, *Head, *Jones U (Shelby), *Givens, *Kerr, *Cole (Carter), *Goins, *Pinion, *Phelan, *Cole (Dyer), *Gunnels, *Tidwell, *Westmoreland, *McKee, *Walley, *Buck, *Dunn, *Maddox, *Stulce, *Mumpower, *Roach, *Sargent, *Davis R, *Hicks, *Ridgeway, *Windle, *McDaniel, *Kisber, *Tindell, *Ritchie,

*Hargrove, *Walker (Blount), *Whitson, *Walker (Rhea), *Bittle, *Kent, *Sharp, *Boyer, *Huskey, (*SB2699 by *Herron, *Harper, *Cooper, *Cohen, *Dixon, *Graves, *Crutchfield, *Miller J, *Kurita)

Rep. S. Jones moved that House Bill No. 2583 be passed on third and final consideration.

Rep. Armstrong moved adoption of Health and Human Resources Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2583 by deleting all language after the enacting clause and by substituting instead the following:

SECTION 1. The title of this act is, and may be cited as the "Health Care Consumer Right-to-Know Act of 1998".

SECTION 2. (a) Health care is a valuable commodity, and the health care consumer needs to make informed decisions when making health care choices. Due to the current trends in health care, patients have a close relationship with their health care provider and must depend on the provider for most of their health care needs. Health care consumers need to know as much as possible before committing their health care to such provider. Likewise current trends make decisions about which managed care organizations to choose equally important to health care consumers. Because of the foregoing reasons and because of the increasing concerns over the quality of health care, the general assembly finds that a system should be established to provide public access to information about certain health care providers and managed care organizations in this state.

(b) For the purposes of this act, the term "provider" or "health care provider" means a physician, regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 6; osteopathic physician, regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 9; chiropractor, regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 4; dentist, regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 5; podiatrist, regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 3; optometrist, regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 8; dietitian or nutritionist, regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 25; physician assistant, regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 19; respiratory care practitioners, regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 6; pharmacist, regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 10; audiologists and speech pathology therapists, regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 17; a certified nurse practitioner, as such nurses are regulated pursuant to Tennessee Code Annotated, Section 63-7-123; social workers regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 23; psychologists, regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 11; and professional counselors, marital and family therapists, and clinical pastoral

therapists regulated pursuant to Tennessee Code Annotated, Title 63, Chapter 22.

SECTION 3. It shall be the duty of the division of health related boards to compile, consolidate, manage and disseminate the information collected by entities of the department of health and the department of commerce and insurance as required by this act.

SECTION 4. (a) When collecting information or compiling reports intended to compare individual health care providers, the commissioner of health shall require that:

(1) Provider organizations which are representative of the target group for profiling shall be meaningfully involved in the development of all aspects of the profile methodology, including collection methods, formatting and methods and means for release and dissemination;

(2) The entire methodology for collecting and analyzing the data shall be disclosed to all relevant provider organizations and to all providers under review;

(3) Data collection and analytical methodologies shall be used that meet accepted standards of validity and reliability;

(4) The limitations of the data sources and analytic methodologies used to develop provider profiles shall be clearly identified and acknowledged, including, but not limited to, the appropriate and inappropriate uses of the data;

(5) To the greatest extent possible, provider-profiling initiatives shall use standard-based norms derived from widely accepted, provider-developed practice guidelines;

(6) Provider profiles and other information that have been compiled regarding provider performance shall be shared with providers under review prior to dissemination; provided, however, that opportunity for corrections and additions of helpful explanatory comments shall be provided prior to publication; and, provided, further, that such profiles shall only include data which reflect care under the control of the provider for whom such profile is prepared;

(7) Comparisons among provider profiles shall adjust for patient care-mix and other relevant risk factors and control for provider peer groups, when deemed appropriate by the respective board; and

(8) The quality and accuracy of provider profiles, data sources and methodologies shall be evaluated at least biannually.

(b) The department of health is authorized to charge a reasonable fee for any information, documents, or reports requested by the public which are not required as part of the implementation of this act. The fee shall be set per rules and regulations promulgated by the department of health in accordance with Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 5. (a) Each board regulating a provider, as defined in Section 2(b), shall collect the following information and provide to the department of health in order for the department to create individual profiles on licensees, in a format created by the department that shall be available for dissemination to the public:

(1) A description of any criminal convictions for felonies and, as determined by the board, serious misdemeanors, within the most recent ten (10) years. For the purposes of this subsection, a person shall be deemed to be convicted of a crime if such person was found or adjudged guilty by a court of competent jurisdiction. Misdemeanor convictions later expunged by a court of competent jurisdiction shall be stricken from the provider's profile.

(2) A description of any final board disciplinary actions within the most recent ten (10) years, which actions shall include final board action as defined by Tennessee Code Annotated, Section 4-5-314, and reprimand action taken pursuant to a board practice act;

(3) A description of any final disciplinary actions of licensing boards in other states within the most recent ten (10) years;

(4) A description of revocation or involuntary restriction of hospital privileges for reasons related to competence or character that have been taken by the hospital's governing body or any other official action of the hospital after procedural due process has been afforded, or the resignation from or nonrenewal of medical staff membership or the restriction of privileges at a hospital taken in lieu of or in settlement of a pending disciplinary case related to competence or character in that hospital, all as taken pursuant to procedures promulgated by the board for licensing health care facilities. Only cases which have occurred within the most recent ten (10) years shall be disclosed by the department of health to the public;

(5) All medical malpractice court judgments, all medical malpractice arbitration awards in which a payment is awarded to a complaining party and all settlements of medical malpractice claims in which a payment is made to a complaining party beginning with reports for 1998 and each subsequent year; provided, such reports shall not be disseminated beyond the most recent ten (10) year period, but shall include the most recent ten (10) year period for which reports have been filed. Each provider licensing board shall set by rule adopted pursuant to Tennessee Code Annotated, Title 4, Chapter 5, a threshold amount below which judgments or settlements shall not be reportable; provided such

thresholds shall not exceed the lesser of seventy-five thousand dollars (\$75,000), or a median of settlements in the last ten (10) years relative to that profession. Dispositions of paid claims shall be reported in a minimum of three (3) graduated categories indicating the level of significance of the award or settlement. Information concerning paid medical malpractice claims shall be put in context by comparing an individual licensee's medical malpractice judgment awards and settlements to the experience of other providers within the same specialty. Information concerning the existence of a court-sealed settlement shall be reported in cases involving such a settlement. Information concerning all settlements shall be accompanied by the following statement: "Settlement of a claim may occur for a variety of reasons which do not necessarily reflect negatively on the professional competence or conduct of the provider. A payment in settlement of a medical malpractice action or claim should not be construed as creating a presumption that medical malpractice has occurred." Nothing herein shall be construed to limit or prevent the department of health from providing further explanatory information regarding the significance of categories in which settlements are reported.

Pending malpractice claims shall not be disclosed by a board to the public. Nothing herein shall be construed to prevent a board from investigating and disciplining a licensee on the basis of medical malpractice claims that are pending.

(6) Names of medical schools or professional and training schools and dates of graduation;

(7) Graduate medical education or other graduate-level training;

(8) Specialty board certification as determined by the relevant board;

(9) Names of the hospitals where the licensee has privileges;

(10) Appointments to medical school faculties and indication as to whether a licensee has a responsibility for graduate medical education within the most recent ten (10) years;

(11) Information regarding publications in peer-reviewed medical literature;

(12) Information regarding professional or community service associations, activities and awards;

(13) The location of the licensee's primary practice setting;

(14) The identification of any translating services that may be available at the licensee's primary practice location;

(15) An indication of which managed care plans in which the licensee participates;

(16) An indication of TennCare plans in which the licensee participates; and

(17) No information that is otherwise privileged under Title 63, and which is generated by any peer review program, provider health program, or impaired professionals program operated or administered by a provider association or foundation that such association has created for peer review purposes, shall be included in any profile unless such information is not contemplated by the particular Title 63 statute as being privileged.

(b) Each board shall provide individual licensees with a copy of their profiles prior to release to the public. A licensee shall be provided a reasonable time to correct factual inaccuracies that appear in such profile.

(c) A provider may elect to have his or her profile omit certain information provided pursuant to subdivisions (10) to (12), inclusive, concerning academic appointments and teaching responsibilities, publications in peer-reviewed journals and professional and community service awards. In collecting information for such profiles and in disseminating such profiles, each board shall inform providers that they may choose not to provide such information required pursuant to subdivision (10) to (12), inclusive.

(d) The department of health shall develop formats for dissemination of such information to the public, which at a minimum shall include electronic media, including the World Wide Web of the Internet, and a toll-free telephone line.

(e) On or before January 1, 1999, the division of health related boards of the department of health shall become a participant in the national practitioners databank.

SECTION 6. The district attorney general for any court in which an unlicensed provider is convicted of holding himself out as a licensed provider shall, within one (1) week thereafter, report the same to the relevant board together with a copy of the court proceedings in the case.

SECTION 7. The department of health, in implementing the provisions of Section 5 shall not disseminate a provider profile by electronic media, including the World Wide Web of the Internet or toll-free telephone line before May 1, 1999. The department shall conduct a study of the impact of publication of provider profiles by electronic media on the personal safety of providers and their families, and shall report its findings to the government operations committee on or before October 1, 1998. The department shall include in such report a sample profile designed with safeguards recommended by the department pursuant to the aforementioned study. No later than January 1, 1999 and after public hearing, the board shall promulgate regulations to eliminate, to the extent practicable, the possibility that certain information contained in such profiles may jeopardize that personal safety of providers and their families.

SECTION 8. The department of health shall assess boards of providers which they regulate for the costs reasonably associated with providing the services and information pursuant to this act. Further, the department of health shall provide the cost to the department of commerce and insurance which is associated with providing the services and information relative to the board of pharmacy and managed care organizations. The department of commerce and insurance shall assess the cost to the providers which they regulate. These costs shall be assessed in compliance with Tennessee Code Annotated, Section 4-3-1011 and Tennessee Code Annotated, Section 56-1-310.

SECTION 9. Funds appropriated for the purpose set forth in this act or generated by this act shall not revert to the general fund on June 30 of any given fiscal year nor shall such funds be expended for any purpose other than those purposes set forth in this act. SECTION 10. (a) Managed care organizations regulated pursuant to Tennessee Code Annotated, Title 56, Chapter 32, shall provide an accurate listing of provider information as required by this act to the consumer health care data center of the department of health.

(b) A managed care organization shall report any addition or deletion of a provider from its panel of contracted members within twenty-one (21) business days of the date on which the managed care organization receives notice of the addition or deletion of a provider. The center shall cross-reference the change with the existing provider profile within seven (7) days of receipt of the information.

(c) The department of commerce and insurance, to the extent to which it already collects the data required by this act, shall forward the existing data and all subsequent data to the center in such manner as the commissioner of health shall direct after consultation with the commissioner of commerce and insurance.

SECTION 11. (a) The annual report required by Tennessee Code Annotated, Section 56-32-210(4), and information required for a profile by this section shall be made available to consumers by the department of health through the World Wide Web of the Internet or a toll-free telephone line. Such information shall be made available by May 1, 1999, and shall be updated by May 1 of each succeeding year.

(b) The information to be made available by the department of health pursuant to subsection (a) shall be based on reports filed with the department of commerce and insurance pursuant to Tennessee Code Annotated, Section 56-32-210, and shall include, to the extent practicable, the following:

(1) A description of the grievance review system;

(2) The total number of grievances handled through such grievance review system, and a compilation of the causes underlying the grievances filed;

(3) The ratio of the number of adverse decisions issued to the number of grievances received;

(4) The ratio of the number of successful grievance appeals to the total number of appeals;

(5) The average of:

(A) The number of enrollees at the beginning of the calendar year; and

(B) The number of enrollees at the end of the calendar year; and

(6) The number, amount and disposition of malpractice claims made by enrollees that resulted in settlements, court judgements and arbitration awards by the plans during the calendar year.

(c) For each year the reports are filed, the information described in subdivision (b)(2) through (b)(6) shall be shown for a period of five (5) consecutive calendar years. The information for more than five (5) calendar years shall not be required.

(d) The profile of managed care organizations regulated pursuant to Tennessee Code Annotated , Title 56, Chapter 32, maintained by the department shall include:

(1) The number of years in existence;

(2) A summary of the financial information, including profits or losses, as reported by the plan in its annual statement filed with the commissioner of commerce and insurance;

(3) The geographic plan area for the plan is authorized;

(4) The composition of the provider network, including names, addresses and specialties of providers;

(5) Identification of those providers that have notified the plan that they are not accepting new patients;

(6) Measures of quality and consumer satisfaction if the commissioner of health determines by rule that such measures are valid and comparable among organizations;

(7) The certification and accreditation status of the organization, if any;

(8) Procedures governing access to specialists and emergency care services; and

(9) The information voluntarily submitted by the managed care organization to the commissioner of health relative to consumer satisfaction and quality standards or measures.

SECTION 12. (a) Hospitals regulated pursuant to Tennessee Code Annotated, Title 68, Chapter 11, shall provide an accurate listing of information as required by this act to the consumer health care data center of the department of health.

(b) The information which the department of health shall disseminate shall include, but not be limited to:

(1) The corporate form of the facility, including whether the facility is publicly or privately owned, whether the facility is not-for-profit or for-profit, the nature of the ownership and management, and its affiliations with other corporate entities;

(2) Health care plans accepted by the hospital;

(3) Accreditation status; and

(4) The specialty programs, which meet the guidelines, established by the specialty societies or other appropriate bodies as determined by the commissioner of health.

SECTION 13. A provider who makes an intentional misrepresentation when providing information to the department of health that the department uses in a provider profile commits a violation of the practice act under which the provider is licensed or certified.

SECTION 14. (a) The initial development of a system for the collection and dissemination of information as provided under this act shall be contracted to an appropriate service provider by the department under compliance with the provisions of Tennessee Code Annotated, Title 12, Chapters 3 and 4. The cost of such contract shall be paid from fees collected from providers regulated by the division of health related boards.

(b) In disseminating information under this act, the department of health is directed to use the department's existing toll-free telephone resources. The creation of an additional toll-free telephone line is not required by this act.

SECTION 15. Under the provisions of this act, the department of health only compiles information. The department shall not vouch for or assert the accuracy of any information it disseminates under this act. Before the department disseminates information to consumers under this act, the department shall permit each provider, hospital, or managed care organization, whose information is to be disseminated, the opportunity to review and correct any information the department proposes to disseminate. The department shall not be subject to any suit for damages concerning any information which the

department disseminates that a provider, hospital, or managed care organization had the opportunity to correct, but did not correct.

SECTION 16. No provision of this act shall be construed as restricting the status of any record as a public record for the purposes of Tennessee Code Annotated, Title 10, Chapter 7.

SECTION 17. (a) Each licensed provider, as defined in Section 2(b) of this act, must provide the information required by this act to be compiled into provider profiles by the department of health.

(b) Each provider, as defined in Section 2(b) of this act, seeking licensure must provide the information required by this act before licensure will be granted.

(c) Before the issuance of the licensure renewal notice, the department of health shall send a notice to each licensed provider at the provider's last known address of record with the department regarding the requirements for information to be submitted by such provider pursuant to this act.

(d) Each provider who has submitted information pursuant to this act must update that information in writing by notifying the department of health within thirty (30) days after the occurrence of an event or the attainment of a status that is required to be reported.

(e) Failure by a provider to comply with these requirements to submit information and to update information constitutes a ground for disciplinary action under the respective practice act for that profession. For such failure to comply, the department or board may:

(1) refuse to issue a license to any provider applying for initial licensure who fails to submit or update the required information; and/or

(2) refuse to renew a license to any provider who fails to submit or update the required information; and/or

(3) process any licensed provider before the board who fails to submit and/or update the required information for formal disciplinary action and may assess a penalty against the provider of up to fifty dollars (\$50.00) for each day that the provider is not in compliance with this subsection.

SECTION 18. Failure to comply with the requirements of this act by a person or entity required to submit or report information as required by this act constitutes a violation of the relevant practice or licensing statute and subjects the violator to appropriate enforcement or disciplinary action.

SECTION 19. The commissioner of health is authorized to promulgate rules and regulations to effectuate the purposes of this act. All such rules and regulations shall be promulgated in accordance with the provisions of Tennessee Code Annotated, Title 4, Chapter 5.

SECTION 20. This act shall take effect upon becoming a law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

Rep. S. Jones moved that **House Bill No. 2583**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 97
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odum, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 97.

A motion to reconsider was tabled.

***House Bill No. 716** -- County Officers - Extends from 60 to 75 days period for county election commission to notify constables association of election results. Amends TCA Title 8. by *Windle, *West, *Davidson. (SB1289 by *Davis L)

Rep. West moved that House Bill No. 716 be passed on third and final consideration.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 716 by deleting all language following the enacting clause in the printed bill and by substituting instead the following:

SECTION 1. Tennessee Code Annotated, Section 8-24-102(e), is amended by adding the following language at the end of the subsection:

The term "average annualized general increase in state employee's compensation" includes all increases made to state employees' salaries and benefits.

SECTION 2. This act shall take effect upon becoming law, the public welfare requiring it.

On motion, Amendment No. 1 was adopted.

2. On motion, Rep. U. Jones withdrew State & Local Government Committee Amendment No.

Rep. Jones U. (Shelby) moved adoption of State and Local Government Committee Amendment No. 2(corrected) as House Amendment No. 3 as follows:

Amendment No. 3

AMEND House Bill No. 716 by adding the following appropriately numbered section immediately preceding the last section and renumbering the last section accordingly:

SECTION ____ Tennessee Code Annotated, Section 8-24-102, is amended by adding the following as a new subsection:

In any county having a population of not less than fifty-one thousand (51,000) nor more than fifty-one thousand three hundred (51,300) according to the 1990 federal census or any subsequent federal census, due to the rapid growth in such counties, the county legislative body may uniformly increase the salaries for the general officers as set forth in subsection (a) and the salary set forth in this section shall be considered a minimum salary. Provided, however, the salaries of the general officers in such counties may not exceed the salaries of the sheriff and highway official. The provisions of this subsection shall be applicable in any county to which it may apply upon approval by a two-thirds (2/3) vote of the county legislative body.

On motion, Amendment No. 3 was adopted.

Rep. Huskey moved that Amendment No. 4 be withdrawn, which motion prevailed.

Rep. Burchett moved the previous question, which motion prevailed.

Rep. West moved that **House Bill No. 716**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes..... 95
Noes 0

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea),

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Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

A motion to reconsider was tabled.

House Bill No. 3236 -- Taxes, Sales - Enacts "Convention Center and Tourism Development Financing Act of 1998." Amends TCA Title 7 and Title 67, Chapter 6. by *Armstrong, *Ritchie, *Burchett, *Tindell, *Dunn, *Bittle. (*SB3173 by *Gilbert, *Atchley, *McNally)

Rep. Armstrong moved that House Bill No. 3236 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 3236 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The provisions of Title VI of the Civil Rights Act of 1964, 42 U.S.C., Section 2000d, et seq., and Tennessee Code Annotated, Title 4, Chapter 21, Part 9, shall be strictly complied with whenever applicable under the provisions of this act.

On motion, Amendment No. 1 was adopted.

Rep. Armstrong moved that **House Bill No. 3236**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives voting no were: Cooper -- 1.

A motion to reconsider was tabled.

REQUEST TO CHANGE VOTE

Pursuant to **Rule No. 31**, the following member(s) desire to change their original stand from no to aye on House Bill No. 3236 and have this statement entered in the Journal: Rep(s). Cooper.

REGULAR CALENDAR, CONTINUED

***House Bill No. 2214** -- Unemployment Compensation - Restricts use of Reed Act moneys credited or allocated for fiscal years 1999-2002 solely for administration of unemployment insurance program. Amends TCA Section 50-7-502(a). by *Hargett, *McDaniel, *Walker (Rhea). (SB2229 by *Elsea, *Atchley, *Dixon, *Rochelle)

On motion, House Bill No. 2214 was made to conform with **Senate Bill No. 2229**; the Senate Bill was substituted for the House Bill.

Rep. Hargett moved that Senate Bill No. 2229 be passed on third and final consideration.

Rep. Kisber moved adoption of Finance, Ways and Means Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND Senate Bill No. 2229 by adding the following new section immediately preceding the last section and by renumbering the subsequent section accordingly:

Section _____. The department is urged to prioritize the use of all funds available to the department with the highest priority being to provide services in areas with high unemployment.

On motion, Amendment No. 1 was adopted.

Rep. Hargett moved that **Senate Bill No. 2229**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	95
Noes	0
Present and not voting	1

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stamps, Stulce, Tidwell, Tindell, Towns, Turner (Ham), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West,

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Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 95.

Representatives present and not voting were: Brooks -- 1.

A motion to reconsider was tabled.

***House Bill No. 2517** -- Juvenile Offenders - Makes whether or not delinquent juvenile was criminal gang member and committed criminal gang offense factor for judge to consider in determining if juvenile should be transferred to criminal court for disposition as adult Amends TCA Section 37-1-134. by *Chumney, *Brown, *Scroggs, *Goins, *Fitzhugh, *Turner (Hamilton). (SB2671 by *Kyle)

Rep. Chumney moved that House Bill No. 2517 be passed on third and final consideration.

Rep. Turner(Hamilton) moved adoption of Children & Family Affairs Committee Amendment No. 1 as follows:

Amendment No. 1

AMEND House Bill No. 2517 by deleting the amendatory language of Section 1 and by substituting instead the following:

() Whether the child's conduct would be a criminal gang offense, as defined in Tennessee Code Annotated, Section 40-35-121, if committed by an adult;

On motion, Amendment No. 1 was adopted.

Rep. Chumney moved that **House Bill No. 2517**, as amended, be passed on third and final consideration, which motion prevailed by the following vote:

Ayes.....	93
Noes.....	0
Present and not voting	3

Representatives voting aye were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Bowers, Boyer, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Turner (Hamilton), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 93.

Representatives present and not voting were: Brooks, Towns, Turner (Shelby) -- 3.

A motion to reconsider was tabled.

UNFINISHED BUSINESS

RULES SUSPENDED

Rep. Whitson moved that the rules be suspended for the purpose of introducing **House Joint Resolution No. 673** out of order, which motion prevailed.

House Joint Resolution No. 673 -- Memorials, Personal Achievement - Kristen Gaines, 1998 Miss Kingsport. by *Whitson, *Westmoreland, *Patton, *Godsey.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Whitson, the resolution was adopted.

A motion to reconsider was tabled.

BILL RECALL

Rep. Kisber requested that House Bill No. 2988 be recalled from the Clerk's desk and be immediately referred to the appropriate Committee.

RULES SUSPENDED

Rep. Turner(Hamilton) moved that the rules be suspended for the purpose of introducing House Joint Resolution(s) No(s). 658, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671 and 672 out of order, which motion prevailed.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 6, 1998:

Senate Bill No. 3262: by Rep. U. Jones

House Bill No. 2787: by Rep. Cross

House Bill No. 2193: by Rep. Sands

House Bill No. 2483: by Rep. Garrett

RULES SUSPENDED

Rep. Hargrove moved that the rules be suspended for the purpose of introducing House Resolution No. 187 out of order, which motion prevailed.

House Resolution No. 187 -- Tennessee Bureau of Investigation - Nominates Richard Fisher and Judge Robert L. Jones to serve on the nominating commission to select the director of the T.B.I. by *Hargrove.

On motion, the rules were suspended for the immediate consideration of the resolution.

On motion of Rep. Hargrove, the resolution was adopted.

A motion to reconsider was tabled.

NOTICE TO ACT ON SENATE MESSAGES

Pursuant to **Rule No. 59**, notice was given that the following measure(s) from the Senate would be considered on April 6, 1998:

House Bill No. 2991: by Rep. J. DeBerry

MESSAGE FROM THE SENATE
April 1, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 2372; passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 2372** -- Purchasing - Authorizes counties under County Purchasing Law of 1957 to purchase items on open market after receiving bids if open market price is less than bid price and to use open bids rather than sealed bids if summary of all bids received is posted publicly and on Internet. Amends TCA Title 5; Section 5-14-108; Title 6; Title 7; Title 12; Section 49-2-203; Section 54-9-210; Section 54-7-113 and Section 54-9-209. by *Graves, *Womack.

MESSAGE FROM THE SENATE
April 1, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 627, 628 and 629; all concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 1, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2102, 2143 and 2437; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 1, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 464; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE

April 1, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 436; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

ENGROSSED BILLS

April 1, 1998

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 643, 646, 647, 648, 649 and 650.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENROLLED BILLS

April 1, 1998

The following bills have been compared, enrolled, and are ready for the signature(s) of the Speaker(s): House Bill(s) No(s). 2446, 2473, 2660, 3053, 3068 and 3303; House Joint Resolution(s) No(s). 500.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

SIGNED

April 1, 1998

The Speaker signed the following: House Bill(s) No(s). 2446, 2473, 2660, 3053, 3068 and 3303; House Joint Resolution(s) No(s). 500.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

REPORT OF CHIEF ENGROSSING CLERK
April 1, 1998

The following bill(s) have been transmitted to the Governor for his action: House Joint Resolution(s) No(s). 579, 626 and 645.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
April 1, 1998

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Joint Resolution(s) No(s). 673.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

ENGROSSED BILLS
April 1, 1998

The following bill(s) have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 2923.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 1, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2077; substituted for Senate Bill(s) on the same subject(s), amended, and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 1, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2446, 2473, 2660, 3053, 3068 and 3303; also, House Joint Resolution(s) No(s). 500; signed by the Speaker.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 1, 1998

MR. SPEAKER: I am directed to return to the House, House Joint Resolution(s) No(s). 673; concurred in by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE SENATE
April 1, 1998

MR. SPEAKER: I am directed to return to the House, House Bill(s) No(s). 2617, 2683, 2923, 3139, 3211 and 3227; substituted for Senate Bill(s) on the same subject(s) and passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

MESSAGE FROM THE GOVERNOR
April 1, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Joint Resolution(s) No(s). 574, 600, 601, 603, 604, 605, 606, 607, 608, 609, 610, 611, 613, 614, 615, 617, 618, 620, 622 and 623, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

ENGROSSED BILLS
April 1, 1998

The following bills have been examined, engrossed, and are ready for transmission to the Senate: House Bill(s) No(s). 716, 2152, 2155, 2156, 2157, 2158, 2166, 2183, 2184, 2185, 2186, 2378, 2403, 2409, 2517, 2583, 2711, 2776, 2931, 3236, 3241, 3340 and 3364, also, House Joint Resolution(s) No(s). 466.

BETTY KAY FRANCIS, Chief Engrossing Clerk.

MESSAGE FROM THE SENATE
April 1, 1998

MR. SPEAKER: I am directed to transmit to the House, Senate Bill(s) No(s). 1137, 2114, 2124, 2172, 2313, 2373, 2408, 2661, 2706, 2778, 3059 and 3156; all passed by the Senate.

CLYDE W. McCULLOUGH, JR., Chief Clerk.

***Senate Bill No. 1137** -- Architects and Engineers - Authorizes the board of architects and engineers to accept application from other state if the applicant holds unexpired certificate from National Council of Architectural Registration Boards or the Council of Landscape Architectural Registration Boards. Amends TCA Section 62-2-304. by *Crowe.

***Senate Bill No. 2114** -- Sunset Laws - State board of education, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 49, Chapter 1. by *Springer, *Womack.

***Senate Bill No. 2124** -- Sunset Laws - Department of education, June 30, 2006. Amends TCA Title 4, Chapter 29 and Title 4, Chapter 3. by *Springer, *Womack, *Dixon.

WEDNESDAY, APRIL 1, 1998 -- EIGHTIETH LEGISLATIVE DAY

***Senate Bill No. 2172** -- Teachers - Requires employment, transfer, suspension, non-renewal, and dismissal of all school personnel to be in accordance with budget, applicable law, board policies and local negotiated agreements. Amends TCA Section 49-2-301(f) and Section 49-5-510. by *Kyle, *Graves, *Womack, *Springer.

***Senate Bill No. 2313** -- Teachers - Provides for written notice and opportunity for hearing prior to dismissal of licensed, non-tenured school employees. Amends TCA Section 49-2-301(f). by *Springer.

Senate Bill No. 2324 -- Education - Requires penalties for violating zero tolerance policy to be imposed on case-by-case basis, taking into consideration specific infraction and intent of student in violating policy. Amends TCA Section 49-6-3401; Section 49-6-4018 and Section 49-6-4216. by *Dixon, *Harper.

***Senate Bill No. 2373** -- Safety - Specifies that state fire marshal and certified county building inspectors have sole authority over inspection of construction and renovation of public buildings. Amends TCA Title 68, Chapter 120. by *Graves.

***Senate Bill No. 2408** -- Taxes, Franchise - Extends deduction against the franchise tax for closely affiliated companies having inter-company indebtedness. Amends TCA Section 67-4-905. by *Womack.

***Senate Bill No. 2661** -- County Officers - Authorizes \$1,500 annual incentive payment to certified public administrators. Amends TCA Title 5, Chapter 1, Part 3. by *Henry.

***Senate Bill No. 2706** -- Fiscal Review Committee - Establishes division in fiscal review committee to monitor, analyze and manage certain federal grant activities and information. Amends TCA Title 3, Chapter 7. by *Dixon, *Harper.

***Senate Bill No. 2778** -- Education - Deletes requirement that K-6 character education curriculum be that developed by American Institute for Character Education of San Antonio, Texas. Amends TCA Section 49-6-1007. by *Burks.

***Senate Bill No. 3059** -- Urban Affairs - Defines "blighted" or "deteriorated" property. Amends TCA Title 13, Chapter 20 and Title 13, Chapter 21. by *Ford J.

***Senate Bill No. 3156** -- Culture - Exempts certain not-for-profit arts organizations from property taxation. Amends TCA Title 67, Chapter 5, Part 2. by *Cohen, *Harper, *Crowe.

CONSENT CALENDAR

April 1, 1998

The following local bills have been placed on the Consent Calendar for **April 6, 1998**: House Bill(s) No(s). 3399, 3400, 3401, 3402, 3404, 3405 and 3406.

SIGNED
April 1, 1998

The Speaker signed the following: Senate Bill(s) No(s). 1283, 2053, 2163, 2250, 2430, 2431, 2432, 2437, 2796, 3061, 3116 and 3304; also, Senate Joint Resolution(s) No(s). 367, 409, 490, 522, 538, 542, 543, 555 and 557.

MESSAGE FROM THE GOVERNOR
April 1, 1998

MR. SPEAKER: I am directed by the Governor to return herewith: House Bill(s) No(s). 2134, 2248, 2516, 2616, 3014, with his approval.

COURTNEY PEARRE, Counsel to the Governor.

ROLL CALL

The roll call was taken with the following results:

Present 96

Representatives present were: Armstrong, Arriola, Beavers, Bird, Bittle, Bone, Boyer, Brooks, Brown, Buck, Burchett, Caldwell, Chumney, Cole (Carter), Cole (Dyer), Cooper, Cross, Curtiss, Davidson, Davis, DeBerry J., DeBerry L., Dunn, Eckles, Ferguson, Fitzhugh, Ford, Fowlkes, Fraley, Givens, Godsey, Goins, Gunnels, Haley, Halteman-Harwell, Hargett, Hargrove, Hassell, Head, Hicks, Hood, Huskey, Jackson, Jones S., Jones U., Kent, Kernell, Kerr, Kisber, Langster, Lewis, Maddox, McAfee, McDaniel, McDonald, McKee, McMillan, Miller, Mumpower, Newton, Odom, Patton, Phelan, Phillips, Pinion, Pleasant, Pruitt, Rhinehart, Ridgeway, Rinks, Ritchie, Roach, Robinson, Sands, Sargent, Scroggs, Sharp, Stulce, Tidwell, Tindell, Towns, Turner (Hamilton), Turner (Shelby), Walker (Blount), Walker (Rhea), Walley, West, Westmoreland, White, Whitson, Williams, Windle, Winningham, Wood, Mr. Speaker Naifeh -- 96.

RECESS MOTION

On motion of Rep. Hargrove the House recessed until 5:00 p.m., Monday, April 6, 1998.